

1           A public hearing of the Jefferson Proving Ground  
2       Restoration Advisory Board meeting was held at the Venture  
3       Out Business Center, 975 Industrial Drive, Madison, IN at  
4       7:00 P.M. on August 22. 2001.

5

6                   **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7                   Okay. Good evening. I would like to  
8       welcome everyone to the Restoration Advisory Board meeting  
9       for Jefferson Proving Ground. If no one knows who I am I'm  
10      Paul Cloud. I work for the United States Army. I'm the  
11      Environmental Coordinator and the Base Transition  
12      Coordinator for the Office of Secretary of Defense for the  
13      Proving Ground. And I'm also the Army's co-chair for the  
14      Restoration Advisory Board. I'd like to welcome everybody  
15      here and encourage you to sign our attendance sheet and make  
16      sure we have your address so we can be sure you're on our  
17      mailing list so we can keep you informed of future meetings  
18      and provide you with additional mailings and information as  
19      it becomes available. Other than that I don't have any  
20      other welcoming comments. I'll introduce Richard Hill, the  
21      community co-chair. Richard do you have any opening  
22      remarks?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. RICHARD HILL:**

Thanks Paul. I'd like to welcome everybody this evening and ah I think I - I would like to mention that if you ask questions or make comments during the meeting be sure and speak up so our Reporter can get the information on her tape. As you know she does a transcript, does a great job. Sometimes people are a little hard to hear and it would probably be good to go ahead and identify yourself too so she doesn't have to run around frantically after the meeting collecting people's names. Okay? One (1) reason that I mention that is, and I'll talk more about this later, but the - the NRC, the Nuclear Regulatory Commission does receive transcripts of the RAB meetings and the reason that they are doing that has to do with the depleted uranium area at JPG which is on the agenda that we're going to be talking about some more later on tonight. Ah I think that's really about it for right now. Okay?

**MR. PAUL CLOUD:**

1                   Thank you Richard. This is a copy of the  
2 slide that we have available there as you came in the door.  
3       We will be going through this. This is our agenda for this  
4 evening and the next item we'll talk about is the Uexploded  
5 Ordnance Clearance Action in the cantonment area. This is  
6 the last actual parcel that we will be clearing and it's  
7 this basic parcel right here (indicating) on the west side  
8 of the airfield approximately three hundred (300) acres.  
9 All these other cross hatched areas that are identified have  
10 already been cleared of unexploded ordnance and this is the  
11 last parcel that the Army will be clearing here. Ah we've  
12 talked about this in the past. We did have a public hearing  
13 back in November of 1999 as part of the Engineering  
14 Evaluation Cost Analysis process. We did receive public  
15 comments. We went through a very extensive review and ah  
16 revision process and then earlier this year we came out with  
17 the ah responses and Revised EE/CA which is the last bullet  
18 on this page (indicating). Part of these slides are cut off  
19 down at the bottom so you'll probably have to follow along  
20 in your handwritten ones. After the Revised EE/CA came out  
21 the Record of Decision was signed in February of this year.  
22       Subsequent to that in April the contract bids were opened

23  
24

1 and the contract was awarded for the contractor to perform  
2 this work. It is a fixed price contract. Ah we expect that  
3 the field work will commence in November of this year. We  
4 still have to submit to the Department of Defense Explosive  
5 Safety Board a Site Safety Submission which is this item  
6 right here (indicating). We expect to submit this in  
7 October and have it approved by mid-November and mid-  
8 November we expect the contractor to be out in this three  
9 hundred (300) acres to commence that field work for that UXO  
10 Clearance Action. We're not expecting to find ah an  
11 extensive amount of UXO in this area but it has - has been  
12 identified as an area that has a potential for unexploded  
13 ordnance and the Army did commit to clean that area up in  
14 the cantonment parcel of the Proving Ground. This - this  
15 particular slide, which you also have a copy of, basically  
16 shows you a time line all the way through this process. And  
17 ah I don't know if I can adjust this slide anymore so you  
18 can see it any better (adjusting) but it goes all the way  
19 through until about this time next year when we expect to  
20 have the report finalized and accepted by the Army as far as  
21 the actual field work, the Report and the Statement of  
22 Clearance. Once that is done the Army will be looking at ah

23

24

1 various options for the disposal and reuse of this parcel.  
2 I think it's fairly common knowledge that there are two (2)  
3 competing interests in that parcel right now. One (1) is  
4 the County and the other is the Ford Lumber and Building  
5 Supply Company. The Army has not made any decisions on that  
6 issue. Subsequent to the UXO clearance there will be a  
7 wetlands delineation determination by the Corps of Engineers  
8 so that the Army will have a full picture of any potential  
9 restrictive uses on this parcel regardless of who gets it.  
10 And then once we have that information the Army will make an  
11 evaluation and determination as to which party ah may be  
12 favored with the first opportunity to have the property,  
13 whether Mr. Ford purchases it from the government or it's  
14 provided to the County as a Public Benefit Conveyance. Dr.  
15 Henshel?

16

17 **DR. DIANE HENSHEL:**

18 You're saying that you're going to do a  
19 wetlands delineation back in there so is there - are records  
20 that will show who gets that?

21

22 **MR. PAUL CLOUD:**

23

24

1                   It won't lead us to either party. What it  
2     will provide us with is if there are wetlands there and the  
3     extent of those wetlands it would be incorporated into any  
4     Deed Transfer to either the County or Mr. Ford as to  
5     restrictive uses on that parcel. So it makes no difference  
6     who would get it. If there are wetlands there and those  
7     wetlands require a reduced level of usage or development  
8     then it would apply to any party regardless of who got it.

9

10           **DR. DIANE HENSHEL:**

11                   So are you expecting that these wetlands  
12     will be used to --

13

14           **MR. PAUL CLOUD:**

15                   I believe we will go with what the Corps of  
16     Engineers define as wetlands. They are the recognized  
17     experts ah in our area for that issue. If there is a - an  
18     outstanding issue or a concern in that area we would take  
19     input on that if there seems to be a discrepancy. Did that  
20     answer your question?

21

22           **DR. DIANE HENSHEL:**

23

24

1                               No. But I know where I can go to find some  
2 information.

3

4                   **MR. PAUL CLOUD:**

5                               Sure. I can give you the Corps' point of  
6 contact, Mr. Evens and his phone number if you have - if you  
7 want to get more specific details as to what their criteria  
8 is for wetlands delineation.

9

10                  **DR. DIANE HENSHEL:**

11                               Yeah. I'll call him.

12

13

14                  **MR. PAUL CLOUD:**

15                               No problem. Sir?

16

17                  **MR. CHARLES FACEMIRE:**

18                               You've got down there - well I don't see it.  
19 Where is it? Oh vegetation removal. What - what are we  
20 talking about there specifically?

21

22                  **MR. PAUL CLOUD:**

23

24

1                   Small brush. There will be no removal of  
2 trees. That was one (1) of the things that came up ah when  
3 the contractor won the award. He wanted to be allowed to ah  
4 cut down any trees below a certain size. And if you're  
5 familiar with the area at all you know that it's basically a  
6 hundred (100) percent forested. Ah quick and dirty answer  
7 response from the Army was no.

8

9                   **MR. CHARLES FACEMIRE:**

10                   So they're removing the - the brush, the  
11 under story, to facilitate their survey?

12

13                   **MR. PAUL CLOUD:**

14                   To facilitate their ah method and process by  
15 which they will look for and search for unexploded ordnance  
16 yes sir.

17

18                   **MR. CHARLES FACEMIRE:**

19                   Okay.

20

21                   **DR. DIANE HENSHEL:**

22                   Has that begun?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

No. It will not - it will not start. They - they are not allowed to start until the Department of Defense Explosive Safety Board approves the Site Safety Submission. We do not expect that to occur until mid-November. It has not been provided to them until this October. Then we will provide, once we have received that approval, the contractor will commence the actual clearance. And that's scheduled for mid-November.

**DR. DIANE HENSHEL:**

So how many of those that we see here are off the schedule?

**MR. PAUL CLOUD:**

I beg your pardon?

**DR. DIANE HENSHEL:**

It says beginning today and that's August 2001.

**MR. PAUL CLOUD:**

1                   What - what they're doing now the Corps had  
2       - last week they put in some test objects to have the  
3       contractor come in to certify-verify that they were able to  
4       find those and to accurately document them with differential  
5       GPS's as to their exact location. That is a - basically a  
6       training exercise to certify that the contractor can find  
7       the things that have been put there as a test. They're all  
8       inert but they are pieces of ordnance.

9

10                   **MR. CHARLES FACEMIRE:**

11                   So they're not actually starting vegetation  
12       removal Wednesday?

13

14                   **MR. PAUL CLOUD:**

15                   No. No.

16

17                   **DR. DIANE HENSHEL:**

18                   So how - how many other items out there are  
19       obviously inert?

20                   **MR. PAUL CLOUD:**

21                   I beg your pardon?

22

23

24

1                   **DR. DIANE HENSHEL:**

2                               How many others of these items are obviously  
3       planted?

4

5                   **MR. PAUL CLOUD:**

6                               Probably not too many. Ah most of these are  
7       on tract. They may have slipped by a few weeks but ah other  
8       than that there hasn't been that much of a change. Again  
9       they cannot actually start any physical ah detection or  
10      clearance actions until the Department of Defense Explosive  
11      Safety Board approves the Site Safety Submission. That has  
12      not even been submitted yet.

13

14                  **MR. CHARLES FACEMIRE:**

15                              So that - that's Wednesday the 22nd until  
16      Tuesday, October 23rd is not - none of that holds water?

17

18                  **DR. DIANE HENSHEL:**

19                              Well it looks like --

20

21

22                  **MR. PAUL CLOUD:**

23

24

1 Well see these --

2

3 **DR. DIANE HENSHEL:**

4 What has been - what is on time there?

5

6 **MR. PAUL CLOUD:**

7 The fact that the contract has been awarded,  
8 the work plans have been submitted, ah they are in the  
9 process of being reviewed and approved and that the test  
10 objects have been placed out in the three hundred (300) acre  
11 parcel and that the contractor, although I haven't seen them  
12 there this week, they are scheduled to be here this week to  
13 attempt to locate and document their ability to go do that.

14

15 **DR. DIANE HENSHEL:**

16 It looks like through fifteen (15), like one  
17 (1) through fifteen (15) are underway and sixteen (16) on?

18

19 **MR. PAUL CLOUD:**

20 Are out.

21

22 **DR. DIANE HENSHEL:**

23

24

1                   Are subject to that date, that approval  
2     date?

3

4                   **MR. PAUL CLOUD:**

5                   Some of them are. The actual - when - when  
6     you get down into the November time line down - down here  
7     (indicating) this - actually this remediation is what - what  
8     would be the actual field work or the clearance to try and  
9     detect and remove the ordnance. That will not occur until  
10    mid-November. It cannot occur until DDESB has approved the  
11    Site Safety Submission. You can do just about anything else  
12    but we can't do the actual work.

13

14                  **DR. DIANE HENSHEL:**

15                  Just out of curiosity Paul how much  
16    experience does your contractor have with ordnance  
17    clearings? Because I would have thought that if they have  
18    enough sufficient background why do you need this test?

19

20                  **MR. PAUL CLOUD:**

21                  This - we're doing this in a much different  
22    manner than we've done ah in the other areas of the Proving

23

24

1       Ground and the reason why is because this is a hundred (100)  
2       percent forested area. If we did it like we had done in the  
3       other areas, instead of the effort costing approximately  
4       eight hundred thousand (\$800,000) dollars it would cost  
5       probably eight (\$8,000,000) or nine million (\$9,000,000).  
6       Because the first thing we would have to do is go in and  
7       clear cut most of the trees. Because we did a hundred (100)  
8       percent intensive gridding and surveying of everything. And  
9       if the trees got in the way you know then we would have to  
10      cut them down.

11

12               **DR. DIANE HENSHEL:**

13                       Well - but I - I think I'm asking more about  
14      the training of your contractors.

15

16               **MR. PAUL CLOUD:**

17                       Again it gets back to the --

18

19               **DR. DIANE HENSHEL:**

20                       Have they no experience with woodland  
21      ordnance removal?

22

23

24

1                   **MR. PAUL CLOUD:**

2                   This is - no they have - they have the  
3                   experience but the process and the instrumentation, the  
4                   differential GPS and the meandering path process that has  
5                   been documented in the EE/CA is something that the Corps  
6                   wants to get some additional information on and to certify  
7                   because they're going to - they're looking at using this in  
8                   other places. This has not been used that many other  
9                   places. It's a little different. And because of that  
10                  they're trying to go the extra step but it's a fixed price  
11                  contract that is not impacting on the cost of the effort.  
12                  But they're trying to get some additional documentation to  
13                  back up ah this effort so that they can utilize it in future  
14                  efforts at other facilities.

15

16                  **DR. DIANE HENSHEL:**

17                  So your Corps is well trained in this kind  
18                  of habitat but they are not used to necessarily this method  
19                  of movement?

20

21                  **MR. PAUL CLOUD:**

22                  I don't know that for a fact. I mean that's

23

24

1       - that's - I would - it would not be appropriate for me to  
2       agree or disagree with that. The - all the contractors were  
3       qualified as determined by the Huntsville Corps of Engineers  
4       which is the center of expertise.

5

6               **DR. DIANE HENSHEL:**

7                       I guess the qualifications that are - you  
8       know it depends on the reviewer end?

9

10              **MR. PAUL CLOUD:**

11                      Oh I understand that.

12

13              **DR. DIANE HENSHEL:**

14                      And I guess if this is going to be used for  
15       development by Ford or if this is going to be used as a  
16       public park in the end or even just for hunting you know I  
17       just want to know that there's great faith in the results.

18

19              **MR. PAUL CLOUD:**

20                      I understand that. And before any of the  
21       work will commence the Department of Defense Explosive  
22       Safety Board will have to approve it. They are the ones who

23

24

1       have that authority. If they are not comfortable with this  
2       process they won't approve it and we won't do it. We will  
3       do something else.

4

5               **DR. DIANE HENSHEL:**

6                       Okay.

7

8               **MR. PAUL CLOUD:**

9                       Did that answer your question?

10              **DR. DIANE HENSHEL:**

11                      I - I guess. It just - with all this  
12       testing it sort of felt like well maybe you were working  
13       with naive contractors or naive under these conditions.

14

15              **MR. PAUL CLOUD:**

16                      Well it's a new contractor at JPG. It  
17       doesn't mean it's a new contractor period. There are a  
18       whole number of UXO contractors throughout the country.  
19       This just happened to be the one (1) that won this contract.  
20       That's all. Richard did you have a question?

21

22              **MR. RICHARD HILL:**

23

24

1                               No.

2

3                   **MR. CHARLES FACEMIRE:**

4                               But I do. The methods that you're going to  
5 use to remove the vegetation, ah whatever method is going to  
6 be used, wetlands delineation is going to come after the  
7 fact.

8

9                   **MR. PAUL CLOUD:**

10                              Un-huh (yes).

11

12                   **MR. CHARLES FACEMIRE:**

13                              Would the methods used be something that  
14 couldn't be used if it were delineated as a wetlands before  
15 the fact?

16

17                   **MR. PAUL CLOUD:**

18                              I doubt it because the methods that I'm  
19 familiar with were basically weed eater.

20

21                   **MR. CHARLES FACEMIRE:**

22                              Okay.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

Weed eater?

**MR. PAUL CLOUD:**

Yeah.

**DR. DIANE HENSHEL:**

As in the little hand one (1)?

**MR. PAUL CLOUD:**

Yeah hand job.

**MR. CHARLES FACEMIRE:**

so it's going to get it off the ground level  
or somewhere there?

**MR. PAUL CLOUD:**

Yeah.

**MR. CHARLES FACEMIRE:**

So it would re-vegetate?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

Yeah. That's all - that's all.

**DR. DIANE HENSHEL:**

And it's not pesticides?

**MR. PAUL CLOUD:**

We don't want them to go in and do massive excavation of the soil. I mean it if - if they're going to do that --

**MR. CHARLES FACEMIRE:**

No over size?

**MR. PAUL CLOUD:**

No, no over size or nothing. No. But we - we specifically told them nothing like that. They even talked about ah doing a controled burn in the area and we said no. Julie?

**MS. JULIE BERRY:**

1                   Mr. Cloud my name is Julie Berry. I'm a  
2                   Jefferson County Commissioner and I came tonight to listen  
3                   and observe what was going on but also I wanted to make sure  
4                   that you had received our letter from the Jefferson County  
5                   Commissioners indicating what our use would be for this  
6                   parcel that we're talking about.

7

8                   **MR. PAUL CLOUD:**

9                   Yes we did.

10

11                  **MS. JULIE BERRY:**

12                  Okay.

13

14                  **MR. PAUL CLOUD:**

15                  I have received it and have ah provided  
16                  copies to our higher headquarters. So they are aware of it.

17

18                  **MS. JULIE BERRY:**

19                  I just wanted to make sure.

20

21                  **MR. PAUL CLOUD:**

22                  Yes ma'am.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MS. JULIE BERRY:**

So it's gone up the chain of command?

**MR. PAUL CLOUD:**

Yes ma'am.

**MS. JULIE BERRY:**

And for those people that are here tonight just so that I can tell them the County of Jefferson would be working in cooperation with the State of Indiana Department of Natural Resources in putting the acreage into classified forests. Ah it would be utilized to some extent under those circumstances and we would be working with the expertise of the DNR forester on that. So I just wanted for clarification to state what our intentions were.

**MR. PAUL CLOUD:**

Yeah.

**MS. JULIE BERRY:**

I think that is all that I had to say and I just want to listen to hear what else happens about it.

1  
2                   **MR. PAUL CLOUD:**  
3

4                   Okay. Thank you. Are there any other  
5 questions or comments regarding ah this effort? Okay. The  
6 next topic I would like to talk about are property  
7 transfers. Ah I think it's been fairly well documented in a  
8 local paper this June ah the Army did in fact transfer this  
9 parcel (indicating) to the Ford Lumber and Building Supply  
10 Company. That was on the 7th. We had a - a meeting at the  
11 Proving Ground between the Army, the Corps of Engineers Real  
12 Estate office in Louisville and Mr. Ford. And he was  
13 provided the Deed Title Transfer documents and he provided  
14 us with the final payment. Ah that property is now under  
15 his title. And it was approximately twelve hundred and  
16 seven (1207) acres. And he does in fact own that parcel  
17 now. It's about one-third (1/3) of the property that he will  
18 ultimately own once we've completed all the clean up and the  
19 transfers. And just for your information if you look at  
20 this slide again it's somewhat cut off on the bottom but  
21 this parcel that he now owns is this area all the way down  
22 here to the southern boundary and then over here to where  
23

1 Harber's Creek comes out and around the sewage treatment  
2 plant and around here like this (indicating). We refer to  
3 it as the Central Cantonment Area Parcel and that's so  
4 indicated on your slide, cut off on the bottom of the  
5 projector. The ah - the next area that we will be  
6 transferring to Mr. Ford is referred to the DRMO or the  
7 Defense Reutilization and Marketing Area. That FOST has  
8 already been approved. The Army went through a process to  
9 ah clean up some soil contamination in that area. We took  
10 some additional samples. We did in fact receive concurrence  
11 from the Indiana Department of Environmental Management and  
12 the Environmental Protection Agency in Chicago on this  
13 particular transfer. It's about five and a half (5½) acres.  
14 And that Deed Title Transfer paper work draft is currently  
15 at the Pentagon being reviewed for a final submittal to Mr.  
16 Ford. I would expect that to occur within the next few  
17 weeks. If Mr. Ford has no questions or problems with that  
18 transfer would expect him to sign it shortly thereafter and  
19 would go back to the Pentagon for the Secretariat to sign  
20 and we would probably transfer it sometime in October or  
21 November. And then he would then have another five and a  
22 half (5½) acres to own. And this basically just goes

23

24

1 through that entire process. The last bullet here ah that  
2 is again somewhat cut off (indicating) just talks about the  
3 fact that while we could have transferred that before the  
4 twelve hundred (1200) acres, we wanted to encourage Mr. Ford  
5 to take the twelve hundred (1200) acres so we ah held off  
6 until after he took that. And this is the area we're  
7 talking about (indicating) right here, this little parcel  
8 right here. This parcel above it, the Woodfield - ah  
9 PaperMill-Woodfield area parcel has already been transferred  
10 and he sold this to the Indiana Department of  
11 Transportation. It's my understanding that INDOT is  
12 interested in that five and a half (5½) acres also but  
13 that's purely between Mr. Ford and INDOT should they decide  
14 to have a deal after we've transferred it. But this parcel  
15 that we will transferring here shortly, the DRMO parcel, can  
16 only be used as commercial/industrial. It is not being  
17 transferred as residential. And that restriction will run  
18 with the land in perpetuity. Ah if the reuse is desired to  
19 be enhanced then it will be the current landowner who will  
20 have to deal with ah that issue and satisfy the State and  
21 the EPA regarding ah possibly a residential reuse.

22

23

24

1                   **DR. DIANE HENSHEL:**

2                               How much money is he paying for all this?

3

4

5                   **MR. PAUL CLOUD:**

6

7                               I have no idea. I know what he has to pay  
8                   us approximately. If you take thirty-four (3400) to thirty-  
9                   six (3600) hundred acres and divide it into the five point  
10                  one million dollars (\$5,100,000) it's about fifteen hundred  
11                  dollars (\$1500) an acre to the Army. That was the winning  
12                  bid. What he gets when he resells it I have no idea. It's  
13                  really none of the Army's business. You know all we know is  
14                  that you know he sold that thirty-six (36) acres to the  
15                  State and he may sell this five and a half (5½) acres to the  
16                  State. Ah he's got twelve hundred (1200) other acres. He  
17                  may or may not sell that. I have no idea what he would get  
18                  for it. Whatever the market will bear I guess. The next  
19                  parcel that we will be dealing with is the airfield area.  
20                  It's about seven hundred and sixty (760) acres, has twenty-  
21                  one (21) buildings. We originally proposed the reuse as  
22                  commercial/industrial. We had a FOST that went out for

23

24

1 public review. We had comments on it. Ah we also had a  
2 request to change the reuse from commercial/industrial to  
3 residential. And I think there may be some confusion when  
4 we talk about that. Because I think there is a - a  
5 perception problem there as to what that really means. If a  
6 parcel is suitable for residential reuse from an  
7 environmental prospective what that means is that it can be  
8 used for anything. That is the highest standard of clean up  
9 that you can use. You could use - if you can use it for  
10 residential you can use it for anything, commercial,  
11 industrial, agricultural, recreational, anything. If you  
12 have it as a commercial/industrial only that's more  
13 restrictive. The levels of contamination may be somewhat  
14 higher than they would be if it was going to be used for  
15 residential. So I think there may be a misunderstanding out  
16 in the public in certain sectors because ah - we have  
17 discussed this before and we have gotten some feedback that  
18 ah if this parcel is transferred as residential then it  
19 won't be able to be used as commercial/industrial. Well  
20 that's not accurate. It can be used for anything. And it's  
21 actually a more unrestricted use than restrictive so it  
22 would actually be better for reuse. But what Mr. Ford and

23  
24

1 his company decide to do with it ultimately he would have to  
2 get the zoning approval of the County Commissioners because  
3 they have the zoning authority. But at least from an  
4 environmental prospective it would be useable for anything.

5 What we actually ended up doing was doing some additional  
6 analysis and some additional soil removal. I expect that in  
7 September of this year we will put the revised FOST out for  
8 a thirty (30) day comment again. And the reason why we're  
9 going through a whole thirty (30) day review on this parcel  
10 again is because it is changing from commercial/industrial  
11 to ah residential as an environmental standard. So we will  
12 do that in September. The RAB members will all get copies.

13 We will have copies up on the Jefferson Proving Ground  
14 website. We will have copies at the Proving Ground if  
15 people want to do that. We will have copies in the Admin  
16 Record at Hanover College. So if anybody is interested in  
17 having a copy let us know and when it comes out we will make  
18 sure that you get sent one (1). This - this (indicating)  
19 shows you that parcel. Again the bottom of it is cut off  
20 but the bottom basically comes to ah Engineer's Road down at  
21 the bottom which is kind of the boundary of the - partial  
22 boundary of his twelve hundred (1200) acres. But this is

23  
24

1 Tokyo Road here (indicating). Over here is this three  
2 hundred (300) acres that the County and Mr. Ford have  
3 expressed an interest in, comes up here and goes around.  
4 And it's approximately seven hundred and sixty (760) acres.  
5 Any questions on FOST or property transfers?

6

7 **MR. RICHARD HILL:**

8 Yeah. Okay. Ah did you have a question  
9 Diane?

10

11

12 **DR. DIANE HENSHEL:**

13 No.

14

15 **MR. RICHARD HILL:**

16 No? Not yet.

17

18 **DR. DIANE HENSHEL:**

19 I think I'm going to wait until the FOST  
20 comments. What do you think?

21

22 **MR. RICHARD HILL:**

23

24

1                   Okay. That's fine.    Okay. Never mind.  
2   Well I still have a question.

3

4                   **MR. PAUL CLOUD:**

5                   Go ahead.

6

7                   **MR. RICHARD HILL:**

8                   Okay. On the - I'm trying to think of what  
9   it's called. It is - on the - we have information about the  
10   - about arsenic and other metals in the soils in the  
11   cantonment area. I'm going to be looking at Diane for a lot  
12   of this because she knows a lot more about this than I do.  
13   And ah there's a lot of people, including myself, and Save  
14   The Valley that are very concerned about residential use in  
15   the cantonment area for you know children having contact  
16   with the soil and that sort of thing. So I - I probably  
17   have a question that - that maybe our - our County  
18   Commissioner, and I don't know her name. I don't know if  
19   you could answer this right now. It has to do - one (1) of  
20   my questions has to do with ah the zoning in the southern  
21   part of the - in the cantonment area of the Proving Ground.  
22   Ah I have - I don't recall how that - exactly what it is

23

24

1 right now. What is the status of the zoning for that area?  
2 Do you know?

3

4 **MS. JULIE BERRY:**

5 That's unclear to me as well Mr. Hill.

6

7 **MR. RICHARD HILL:**

8 Okay.

9

10 **MS. JULIE BERRY:**

11 I just said that's unclear to me too Mr.  
12 Hill.

13

14 **MR. PAUL CLOUD:**

15 Let me see if I can at least shed a little  
16 light on this. The property is still federal property right  
17 now in the airfield.

18

19 **MR. RICHARD HILL:**

20 Yeah that's right. Okay.

21

22 **MR. PAUL CLOUD:**

23

24

1                   Any - any federal property is not subject to  
2   local zoning.

3

4                   **MR. RICHARD HILL:**

5                   Okay.

6

7                   **MR. PAUL CLOUD:**

8                   The only property on the Proving Ground that  
9   is subject to zoning right now are the twelve hundred (1200)  
10   acres that Mr. Ford currently owns.

11

12                   **MR. RICHARD HILL:**

13                   I see.

14

15                   **MR. PAUL CLOUD:**

16                   Once that property is transferred, i.e. the  
17   twelve hundred (1200) or the airfield, he will have to go to  
18   the County with a proposal and the County as I understand  
19   it, and Julie you can correct me if I'm wrong, they have the  
20   authority to approve or disapprove or designate whatever  
21   that zoning may be.

22

23

24

1                   **MS. JULIE BERRY:**

2                               That's my understanding also.

3

4                   **MR. PAUL CLOUD:**

5                               But until and unless it becomes private  
6                   property, as federal property it's not subject to local  
7                   zoning.

8

9                   **MS. JULIE BERRY:**

10                              That's my understanding also.

11

12                   **MR. RICHARD HILL:**

13                              Essentially I'm interested in the airfield  
14                   area.

15

16                   **MR. PAUL CLOUD:**

17                              Un-huh (yes).

18

19

20                   **MR. RICHARD HILL:**

21                              That's what we were just talking about the  
22                   possible residences there. And I - yeah I do understand now

23

24

1       that it is still federally owned.

2

3               **DR. DIANE HENSHEL:**

4                       So this is still - but the central area he  
5       just took possession of right?

6

7               **MR. PAUL CLOUD:**

8                       Yes. That twelve hundred (1200) acres Ford  
9       Lumber and Building Supply Company now owns.

10

11               **DR. DIANE HENSHEL:**

12                       But it's not zoned anything at this point?

13

14               **MS. JULIE BERRY:**

15                       It's my understanding that preliminary  
16       zoning has been attempted and I think there's an overlay  
17       down at the County Court House that you can take a look at  
18       for that. But I - I'm sorry.

19

20               **DR. DIANE HENSHEL:**

21                       Has it been approved at this time?

22               **MS. JULIE BERRY:**

23

24

1 I don't believe it's been formally approved  
2 yet.

3

4 **MR. RICHARD HILL:**

5 Yeah. That was another place that I was  
6 confused because I remember when it was brought up about  
7 zoning in that area. And there was you know a little bit of  
8 controversy there and I didn't think it was ever finalized.

9

10 **MS. JULIE BERRY:**

11 To my knowledge it has not been formally  
12 approved. But I do believe that there's a piece of paper  
13 that has some overlays on it for that particular area that  
14 would be available down at the Court House for viewing.

15

16 **MR. RICHARD HILL:**

17 Thank you. Where at?

18

19 **MS. JULIE BERRY:**

20 Probably the plat room.

21

22 **MR. STEVE KREUZBURG:**

23

24

1                   What prompted the Army to change the zoning  
2                   or to accept - request a change of zoning?

3

4                   **MR. PAUL CLOUD:**

5                   Regarding the airfield?

6

7                   **MR. STEVE KREUZBURG:**

8                   Yes.

9

10                  **MR. KEVIN HERRON:**

11                  Paul it's not zoning. It's reuse.

12

13                  **MR. PAUL CLOUD:**

14                  Yeah it's - and thank you Kevin. That's an  
15                  accurate statement. It's not zoning. It's reuse.

16

17                  **MR. STEVE KREUZBURG:**

18                  Reuse.

19

20                  **MR. PAUL CLOUD:**

21

22                  Again as long as it's federal property

23

24

1 zoning does not - is not applicable. The reason why the  
2 Army agreed with the request to change the reuse and to do  
3 additional analysis and - and in a couple of cases some  
4 additional soil removal and clean up to allow potential  
5 resident - to meet the residential reuse standard, i.e. the  
6 highest standard for basically any type of reuse was a  
7 combination of things. One (1) it wasn't a significant  
8 amount of additional money to go do that. Two (2) it was  
9 beneficial to the Army because if you put additional deed  
10 restrictions on a piece of property other than residential  
11 reuse then there has to be a mechanism by which those  
12 restrictions are documented and inspected and reported and  
13 verified and enforced. Now that process is - can be  
14 cumbersome. Can be an administrative burden on anybody  
15 whether that burden is shifted to the County or it stays  
16 with the Army and the Department of Defense, or whoever.  
17 And that burden would stay there basically forever until or  
18 unless a future landowner wanted to enhance the reuse of the  
19 property and do an additional clean up or analysis like we  
20 did and then go to the EPA and the State and get their  
21 concurrence and then the Army would have come back in and  
22 removed that deed restriction. So we looked at those types

23

24

1 of things and we looked at the long run and we found it  
2 would be better from the Army's prospective to spend a  
3 little more time and a little more money now and then have  
4 the property transferred as an unrestricted reuse  
5 essentially and reduce to the absolute minimum any deed  
6 restrictions on that parcel so we would minimize any of this  
7 future burden. That was - that was the thought process.  
8 Does that answer your question sir?

9

10 **MR. STEVE KREUZBURG:**

11 Yes sir. Thank you.

12

13 **MR. PAUL CLOUD:**

14 Diane?

15

16 **DR. DIANE HENSHEL:**

17 Whose level of standards are you working  
18 from, State or Federal? And which Federal if it's federal?  
19 Or if it's State, which state?

20

21 **MR. PAUL CLOUD:**

22 It's Indiana. We're in Indiana right?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

Yes. You're working for the State standards?

**MR. PAUL CLOUD:**

Well it's a combination of Indiana and EPA's Region Five (5).

**MR. KEVIN HERRON:**

And Risk Assessment also.

**MR. PAUL CLOUD:**

And Risk Assessment also.

**DR. DIANE HENSHEL:**

Yeah. How is it a combination of - I just want it to be clarified for me.

**MR. PAUL CLOUD:**

Well I think it would probably be better as far as the technical specifics to look at the FOST and if you have any specific questions ah we can provide that in

1       separate reports from the Corps of Engineers because I don't  
2       have that off the top of my head, you know the actual metal  
3       levels and things like that. I do know and do recall that  
4       when we put the FOST out originally ah as a commercial/  
5  
6  
7  
8       industrial reuse the State basically agreed with that.  
9       Their only concern was because there were a couple of ah  
10      levels for metals in a couple of areas they suggested that  
11      it would be inappropriate to use this as a residential  
12      parcel. And that was before we had gone in and done some  
13      additional work and then some further analysis. We believe,  
14      the Army believes, that the parcel is now suitable for  
15      residential. Whether or not that is finally approved and/or  
16      concurred to by the State and the EPA is yet to be seen.  
17      Any other questions or comments? Well I think I will come  
18      to the point in the agenda where I think most of the people  
19      are interested in, the status, the schedule and points of  
20      contact for the License Termination for the depleted uranium  
21      at JPG. As I think most people know now the Army did in  
22      fact submit to the Nuclear Regulatory Commission on the 27th

23  
24

1 of July a Revised License Termination and Institutional  
2 Control Plan for the License Termination of the Depleted  
3 Uranium License at JPG. Ah let me say a couple of things  
4 about that. This is not an option for the Army. It's not  
5 an option for any licensee. Any licensee with the Nuclear  
6 Regulatory Commission is required if they cease the activity  
7 for which they were granted the license in the first place  
8 is required to submit a License Termination Plan to the NRC.  
9 Now when you do that as a licensee, which in this case the  
10 Army is, there are various options as to how you would  
11 propose to have that license terminated. After we submitted  
12 the Plan in the end of June we made a mailing to the entire  
13 JPG mailing list. That's about two hundred (200) people  
14 including the State, Indiana Department of Environmental  
15 Management, the EPA, the County Commissioners, Mayor,  
16 Congressional offices, Save The Valley. Everybody got  
17 copies of this. And I have another fifty (50) copies here  
18 if anyone would like to have another copy. The Plan is also  
19 posted. Ah this is the site that you can access on the  
20 current JPG website (indicating). We are in the process of  
21 making a major revision to the JPG website. It will  
22 probably be up sometime next month. And the area on

23  
24

1 depleted uranium and radiological fundamentals and generic  
2 information on this issue will be greatly expanded. I hope  
3 that we can get that up as soon as possible. It's currently  
4 undergoing internal Army review right now. But I think it  
5 will be a great benefit to the community and to anyone with  
6 an interest in this subject because it provides significant  
7 amount of basic ah information on radiological issues and  
8 depleted uranium. Now the next thing that will happen, and  
9 I think some people are interested in this, is as I said we  
10 submitted the Revised Plans to the NRC the end of June this  
11 year. The are currently conducting what's called an  
12 Acceptance Review of the Plan. This is basically an  
13 Administrative Acceptance as it's been explained to me by  
14 the NRC. And how that basically works is that they go  
15 through and they say part one (1) of your Plan should have  
16 this information. And as an example we will say that  
17 information should be the location of the facility. Well  
18 they'll go to part one (1). Does part one (1) say where the  
19 facility is located? If that's in there then they put a  
20 check in that box. They go on to part two (2). Does part  
21 two (2) have the required information? That information may  
22 be ah the history of the usage of the material that they

1       were licensed. If that is there then they put a check in  
2       that box. And they go down all those checks and all those  
3       boxes. If they get checks in all those boxes then the - the  
4       Administrative Review, the Acceptance that at least it meets  
5       the intent of what is supposed to be there is done. Then  
6       they will get into a Technical Review which is down here  
7       (indicating). However if for some reason they don't find  
8       it, they don't understand what is there or for some reason  
9       there is information in a part or not in a part that they  
10      are expecting to see, then the NRC will come back to the  
11      Army with questions and that will stop that review process.  
12      We will have to respond. And until and less that is  
13      resolved the process goes no further. But ultimately we'll  
14      resolve those issues if there are any questions and they  
15      will then get into their Technical Review. (Indicating) You  
16      can see here Technical Review is greater than two (2)  
17      months. Now I don't know if that's two (2) months and one  
18      (1) day or a year. That's - that's up to the NRC. I don't  
19      know how long it will take. But one (1) of the things that  
20      they did indicate and you can see it under here under the  
21      NRC public meetings, but the last line is cut off but it's  
22      on your slide is that during their Technical Review they

1 will have a series of public meetings under their process.  
2 We are re - they are required to do this. Not only is there  
3 Technical Review but you will see the last line is they will  
4 have public meetings under their NEPA process, their  
5 Environmental Impact Statement Process. But the number of  
6 meetings and the times and the dates and the places will be  
7 determined by the NRC. Now we will probably be in  
8 attendance just like a number of the people here will be.  
9 But it's their meeting, their process. We will provide  
10 information as they request it. Diane?

11

12 **DR. DIANE HENSHEL:**

13 Are they required to hold the meetings here?

14

15 **MR. PAUL CLOUD:**

16 I don't know the specifics. It would  
17 probably be inappropriate for me to say yes or no. That is  
18 their determination. I would assume that because the  
19 Depleted Uranium Impact Area is in Jefferson County it seems  
20 logical that they would hold at least one (1) meeting in  
21 Madison. But that will - that will be their decision. As  
22 we get into the slides a little bit further on this issue ah

23

24

1 I'll give you a point of contact that Richard talked to this  
2 morning on a specific issue. And it's Dr. Tom Mclaughlin.  
3 He's the NRC's point of contact for the JPG License  
4 Termination. Now the next thing that the Army will be doing  
5 is under the NRC regulations if the NRC requested, there is  
6 a mechanism by which they can ask the licensee, in this case  
7 the Army, for what's called an Environmental Report. The  
8 Army is in the process of creating that document and right  
9 now we're scheduled to provide it to them by the end of  
10 October of this year. The intent of this Environmental  
11 Report is to assist the NRC in their Environmental Impact  
12 Statement Analysis that they are required to do under NEPA  
13 before this action can go to fruition and be completed. Ah  
14 once the Report is submitted to the NRC at the end of  
15 October it will be posted on the JPG website and we will  
16 mail it out to the entire mailing list also. Currently it's  
17 estimated that it's about sixty-five (65) or seventy (70)  
18 pages. We're supposed to get the first draft next week for  
19 internal Army review.

20

21 **MR. CHARLES FACEMIRE:**

22 Am I correct in assuming that the

23

24

1 Environmental Report will only address the radiological  
2 issues?

3

4 **MR. PAUL CLOUD:**

5 As far as I know it will but it also  
6 addresses ah - one (1) of the - one (1) of the fundamental  
7 things it does is it takes the last Environmental Impact  
8 Statement the Army did back in '95 and it updates a lot of  
9 that socio/economic and other information that is now six  
10 (6), seven (7) years dated. And it will update that. But  
11 it also narrows down the focus to the DU area. And as far  
12 as I know it will focus on the radiological issues because  
13 that is what the NRC regulates.

14

15 **MR. CHARLES FACEMIRE:**

16 I understand that. But - but am I correct  
17 in - in the last meeting we discussed this a little bit.  
18 Their EIS though has to address not only the radiological  
19 issues but toxicological issues is that correct?

20

21 **MR. PAUL CLOUD:**

22 I would assume that they would. Again that

23

24

1 will be the NRC's responsibility. If I were a member of the  
2 public I would take that opportunity at a public meeting to  
3 raise those issues because they will have to consider those.

4 **DR. DIANE HENSHEL:**

5 Out of curiosity in a situation in the past  
6 where there's been an Environmental Report?

7

8 **MR. PAUL CLOUD:**

9 Un-huh (yes).

10

11 **DR. DIANE HENSHEL:**

12 And then the NRC produces an EIS how often  
13 do they go outside the bounds of what's in the Environmental  
14 Report?

15

16 **MR. PAUL CLOUD:**

17 I have no idea.

18

19 **DR. DIANE HENSHEL:**

20 You've never seen any situations like this  
21 before?

22

23

24

1                   **MR. PAUL CLOUD:**

2                               I have no personal knowledge of anything  
3       like that.

4

5

6                   **MR. KEVIN HERRON:**

7                               Paul is this a first step?

8

9                   **MR. PAUL CLOUD:**

10                              This - see this - one (1) of the things that  
11       I don't think is - is commonly understood is that a  
12       restricted reuse termination of a license for the NRC has  
13       never been done before. This will be a first. I think  
14       there are some that are close to where we are and - and  
15       there are other licensees. I don't know if they're  
16       Department of Defense or they're civilian or - or private or  
17       whatever. But one (1) has never gone all the way to the  
18       final determination. So JPG is out there you know kind of  
19       leading the pack again on this particular issue. So as  
20       we're going through this process not only are we learning  
21       but the NRC is - is developing their things.

22

23

24

1                   **DR. DIANE HENSHEL:**

2                               So this is a model?

3

4                   **MR. PAUL CLOUD:**

5                               Potentially yes. But again if you want more  
6 specific information I would suggest you talk to Dr.  
7 McLaughlin because that's my understanding. But I don't  
8 want to imply something or indicate something that would be  
9 contrary to how the NRC would respond to that.

10

11                   **DR. DIANE HENSHEL:**

12                               So how many other Environmental Reports have  
13 been given to the NRC?

14

15                   **MR. PAUL CLOUD:**

16                               There have only been - for JPG?

17

18                   **DR. DIANE HENSHEL:**

19                               No.

20

21                   **MR. PAUL CLOUD:**

22                               Oh I have no idea. You would have to ask

23

24

1 Dr. McLaughlin. I mean the only ones I know about are the  
2 ones that the Army and JPG gave them. And that's it. I  
3 have no idea how many others.

4

5 **DR. DIANE HENSHEL:**

6 How many have you given them so far, JPG?

7

8 **MR. PAUL CLOUD:**

9 There have been two (2). There was one (1)  
10 in '95.

11

12 **DR. DIANE HENSHEL:**

13 Those are Risk Assessments essentially?

14

15 **MR. PAUL CLOUD:**

16 No.

17

18 **DR. DIANE HENSHEL:**

19 No?

20

21 **MR. PAUL CLOUD:**

22 There was - the one (1) in '95 was for

23

24

1 disposal and reuse. See under the BRAC law one (1) - one  
2 (1) of the things that I don't think is also commonly  
3 understood, under the BRAC law the NEPA process was not  
4 applicable for closure. The only part - the only thing that  
5 was applicable was for disposal and reuse. So there was an  
6 EIS done for disposal and reuse of the facility and that was  
7 done in 1995.

8

9 **MR. RICHARD HILL:**

10 That's for the whole?

11

12 **MR. PAUL CLOUD:**

13 That was for the whole facility. All fifty-  
14 five thousand (55,000) plus acres. And it did talk about  
15 depleted uranium and the Impact Area but it did not --

16

17 **DR. DIANE HENSHEL:**

18 It was really minimal.

19

20 **MR. PAUL CLOUD:**

21 It didn't go into a lot of specific detail  
22 because it wasn't designed for that. It wasn't intended for

23

24

1       that.

2

3               **DR. DIANE HENSHEL:**

4                       Yeah. It was - it was sort of a it's here  
5       and it - there was nothing in it.

6

7               **MR. PAUL CLOUD:**

8                       You have to understand what the document was  
9       designed for. The Environmental Report is designed to focus  
10      on two (2) things: one (1) to update that EIS on a lot of  
11      socio/economic issues which is necessary for an EIS anyway.  
12      But it will focus specifically on the DU area and the DU  
13      subject.

14               **DR. DIANE HENSHEL:**

15                       Okay. Come on Paul.

16

17               **MR. PAUL CLOUD:**

18                       Julie do you have a question?

19

20               **MS. JULIE BERRY:**

21                       Mr. Cloud I do and I would like to preface  
22      my remarks by thanking you for sending out the voluminous

23

24

1 information that you do send out. Nobody can say that - I  
2 think that they - they don't receive information. It's so  
3 much that it boggles the mind a lot of the times. But ah I  
4 do want - I know you can't answer questions for the NRC but  
5 you are our point of contact for the Army regarding JPG and  
6 what happens out there. And I - I would like to ask you,  
7 the Army does realize that this action of terminating the  
8 license ah for testing at JPG regarding the depleted uranium  
9 is against the wishes of the local community? They do  
10 realize that don't they?

11

12 **MR. PAUL CLOUD:**

13 We realize that there are concerns about how  
14 the license is being proposed to be terminated. What I -  
15 what I need to reemphasize is that any licensee is required  
16 to submit a License Termination Plan when they cease  
17 performing the function that they were given the license  
18 for.

19

20 **MS. JULIE BERRY:**

21 Right.

22

23

24

1                   **MR. PAUL CLOUD:**

2                   Now we were given - the Army was given a  
3                   license to test depleted uranium penetrators. Now when the  
4                   Proving Ground closed that function went away. It is  
5                   statutorily required for a licensee to submit a Termination  
6                   Plan. Where I think the - the concern arises is in how the  
7                   license is going to be terminated. There are options  
8                   available to a licensee.

9

10                  **MS. JULIE BERRY:**

11                  Or indeed if the license is to be terminated  
12                  right?

13

14                  **MR. PAUL CLOUD:**

15                  I beg your pardon?

16

17

18                  **MS. JULIE BERRY:**

19                  If the license is to be terminated the NRC  
20                  will decide that?

21

22                  **MR. PAUL CLOUD:**

23

24

1                   The NRC will make that decision. They are  
2                   the regulator of record.

3

4                   **MS. JULIE BERRY:**

5                   Okay.

6

7                   **MR. PAUL CLOUD:**

8                   And ultimately two (2), three (3), four (4)  
9                   years from now after they have gone through their review of  
10                  our Plan, they have gone through their Environmental Impact  
11                  Analysis, they will make that determination.

12

13                  **MS. JULIE BERRY:**

14                  Okay.

15

16                  **MR. PAUL CLOUD:**

17                  And then they will be - whatever number of  
18                  meetings they hold under their process for that to allow  
19                  public involvement and participation to voice concerns to  
20                  influence that decision.

21

22                  **MS. JULIE BERRY:**

23

24

1                   I would like to follow up one (1) of the  
2     other comments or questions earlier about this. I would  
3     hope, and you may not have anything to do with this, but I  
4     would hope that any public hearings that the NRC have would  
5     be held in the area of the affected situation so that local  
6     people can have the opportunity to comment on a situation  
7     that could affect their lives directly. And ah I just  
8     wanted to make sure that ah I think you've heard from every  
9     applicable group in Jefferson County, elected officials and  
10    not-for-profit groups, etc., that ah we don't like this  
11    situation. And I just want to make sure that you take that  
12    back and again I would like to thank you for the information  
13    that you've continued to provide. But I want - and I think  
14    we can disagree without being disagreeable but I want you to  
15    take back the clear message that - that this is something  
16    that we're very apprehensive about.

17

18                   **MR. PAUL CLOUD:**

19                   Un-huh (yes).

20

21

22                   **MS. JULIE BERRY:**

23

24



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. KEN BRANSTETTER:**

In a nutshell the Army is granted the  
license to test this stuff?

**MR. PAUL CLOUD:**

Yes sir.

**MR. KEN BRANSTETTER:**

Now the Army is no longer testing? The Army  
wants to walk away from it? The Army wants to say they do  
the testing. We've done this testing and there's nothing  
wrong. So we want to get - get rid of this license.

**MR. PAUL CLOUD:**

That's not an accurate ah --

**MR. KEN BRANSTETTER:**

In a nut shell?

**MR. PAUL CLOUD:**

1                   Ah description. No I would - I would have  
2 to disagree with that. As I stated before it doesn't matter  
3 if it was the Army or it was a private company that did this  
4 activity. The licensee, in this case the Army, once they  
5 stop doing that testing or whatever function they were  
6 granted the license for, they are required by law to submit  
7 a Termination License regardless of who you are period.  
8 What is the option of the licensee is how they propose to  
9 terminate that license. As we understand it, and I may say  
10 the wrong term, but basically there are a couple of options.  
11 One (1) is ah unrestricted termination and/or restricted  
12 termination. An unrestricted would mean that you clean up  
13 all the materials down to a level of radiological exposure  
14 where anybody can go there for any amount of time, forever,  
15 and they won't exceed any radiological exposure criteria as  
16 established by the NRC. A restricted termination would mean  
17 that you may not clean up all or any of the material, but  
18 you have other mechanisms in place and you have made a  
19 determination based on a Risk Assessment as to the potential  
20 exposure of people who might get access to this area that  
21 they will not exceed another standard as established by the  
22 NRC. With those access controls in place and those ah

1 radiation exposure levels not exceeded, there is a mechanism  
2 under the regulations for the license to be termination in  
3 that manner. But that is an NRC decision. We in the Army  
4 believe based on our analysis of not only the potential  
5 exposure and the potential for risk from a radiological  
6 prospective that it is the best way to go because we don't  
7 believe there is a significant radiological exposure hazard.

8 We believe the real issue out there is the unexploded  
9 ordnance and that is an extreme personal safety hazard. If  
10 we were to go in and clean up this area for depleted  
11 uranium, it is right in the center of one (1) of the highest  
12 concentrations of unexploded ordnance in the Proving Ground.

13 It would be an extreme personal safety issue. It would  
14 devastate the ecology because that area is very heavily  
15 forested and the only way we could do it would be to clear  
16 cut and strip mine that area, a two thousand (2,000) acre  
17 area would be totally devastated ecologically and it would  
18 be extremely expensive. But those are the three (3)  
19 reasons. And the primary one (1) is personal safety.

20 Diane?

21

22 **DR. DIANE HENSHEL:**

23

24

1                    Explain to me how you can go in and clear  
2                    UXO from the western parcel without clear cutting and you  
3                    can't go into the DU area and do the exact same thing?  
4                    Something doesn't quite sound right.

5

6                    **MR. PAUL CLOUD:**

7                    Well actually I'm very glad that you asked  
8                    that question because there's a significant difference  
9                    between the three hundred (300) acres which we have  
10                   identified as having a potential for UXO and the DU area  
11                   which is right in the center of the Impact Range. We think  
12                   that there may be a - a minor but a potential for UXO in  
13                   this three hundred (300) acres. And if there is anything  
14                   there it will probably be right along the road and it may be  
15                   a total of fifty (50), twenty (20), maybe thirty (30) items.  
16                   You get into the DU area you're talking of hundreds of  
17                   thousands of items.

18

19                    **DR. DIANE HENSHEL:**

20                    So? I mean they're - you're using the same  
21                    technique. I don't understand.

22

23

24

1                   **MR. PAUL CLOUD:**

2                   No actually we're not. Because to clear the  
3 DU area for - for DU would require us to also clear it of  
4 UXO.

5

6                   **DR. DIANE HENSHEL:**

7                   Right. Right. So why can't you clear it of  
8 UXO? That's what I don't understand.

9

10

11                   **MR. PAUL CLOUD:**

12                   Theoretically we could. But we don't  
13 believe based on the radiological exposure criteria that is  
14 established by the NRC that we would exceed under our  
15 Restricted Reuse Termination a radiological exposure  
16 criteria.

17

18                   **DR. DIANE HENSHEL:**

19                   You're going in a circle Paul. I don't  
20 quite understand. The fact is that you could - you're  
21 saying you can't clear the DU because there's UXO there and  
22 you can't clear the UXO --

23

24

1

2

**MR. PAUL CLOUD:**

3

No. We're not saying we can't.

4

5

**DR. DIANE HENSHEL:**

6

Yeah.

7

8

**MR. PAUL CLOUD:**

9

We're saying that if we did?

10

11

**DR. DIANE HENSHEL:**

12

Yeah?

13

**MR. PAUL CLOUD:**

14

It would present an extreme personal safety

15

concern.

16

17

**DR. DIANE HENSHEL:**

18

Why would it present a more personal safety

19

concern than the western parcel?

20

21

**MR. PAUL CLOUD:**

22

Because it's not a formal impact area and

23

24

1 the types and the things that may be there are minimal,  
2 absolutely minimal.

3

4 **DR. DIANE HENSHEL:**

5 And there's no wooded areas in the Ukraine  
6 or in - in Europe right now with land mines?

7

8 **MR. PAUL CLOUD:**

9 I'm not familiar with that. I can't even  
10 begin to comment on that.

11

12 **MR. ROBERT HUDSON:**

13 Paul?

14

15 **MR. PAUL CLOUD:**

16 Bob?

17

18 **MR. ROBERT HUDSON:**

19 Besides being minimal it's almost a hundred  
20 (100) percent (inaudible) in that parcel.

21

22 **DR. DIANE HENSHEL:**

23

24

1 In the DU?

2

3 **MR. PAUL CLOUD:**

4 No. In the three hundred (300) acres.

5 Diane you've been in the DU area. You've seen the UXO right  
6 along side the road.

7

8 **DR. DIANE HENSHEL:**

9 No I wasn't in the DU area.

10

11 **MR. PAUL CLOUD:**

12 You haven't been there? I thought I took  
13 you up there.

14

15 **DR. DIANE HENSHEL:**

16 No.

17 **MR. PAUL CLOUD:**

18 When I come back in September we'll take you  
19 up there.

20

21 **DR. DIANE HENSHEL:**

22 Okay.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

We'll take you up there and I'll show you  
some.

**DR. DIANE HENSHEL:**

I mean you don't drive through the - when  
you're going through wooded areas. You walk through wooded  
areas.

**MR. ROBERT HUDSON:**

There's roads in there.

**MR. PAUL CLOUD:**

Not in the three hundred (300) acres. Not  
until - there is no access allowed in the three hundred  
(300) acre parcel until after we have cleared it.

**DR. DIANE HENSHEL:**

How do you do that? You go in and clear it  
with metal detectors?

1                   **MR. PAUL CLOUD:**

2                   But we go in with qualified people who are  
3                   trained to address the issue.

4

5                   **DR. DIANE HENSHEL:**

6                   If you have qualified people in the DU area  
7                   why can't they do it? I don't get it.

8

9                   **MR. PAUL CLOUD:**

10                  I'm not saying they can't. The Army is not  
11                  saying they can't. We believe based on the level of  
12                  radiological exposure from the DU?

13

14                  **DR. DIANE HENSHEL:**

15                  Yeah.

16

17                  **MR. PAUL CLOUD:**

18                  That that does not warrant taking the  
19                  extreme personal safety risk presented by the UXO to go  
20                  clean it up. Because the DU does not exceed an exposure  
21                  criteria as - as defined by the NRC then why should we put  
22                  people at immediate risk for personal safety from the UXO to

23

24

1 address a problem that is not required to by the regulator?  
2 That is what we believe.

3

4 **DR. DIANE HENSHEL:**

5 But you could have closed off the western  
6 parcel and just said we're not signing it off and yet you go  
7 in and you're clearing there.

8

9 **MR. PAUL CLOUD:**

10 That was a policy decision.

11

12 **DR. DIANE HENSHEL:**

13 Well why can't there be a policy decision  
14 here?

15

16 **MR. PAUL CLOUD:**

17 There has been. There has been. That was  
18 easy. Next question.

19

20 **DR. DIANE HENSHEL:**

21 No Paul. Sorry. You're talking in circles.  
22 You're using the same rationale to clear in one (1) place,

23

24

1 to stop the clearing in another place.

2

3 **MR. ROBERT HUDSON:**

4 There's no comparison.

5

6 **DR. DIANE HENSHEL:**

7 We can do it in one (1) place but we can't

8 do it in the other?

9

10 **MR. PAUL CLOUD:**

11 No. There's absolutely no comparison. You  
12 have - in the three hundred (300) acres that - that area is  
13 - is a buffer area. There was never any planned, scheduled  
14 activity of any kind there. If we find any UXO there it  
15 will be because of over the forty (40), fifty (50), sixty  
16 (60) years that the Proving Ground was in existence somebody  
17 might have tossed a stray item out. When you talk about the  
18 DU area that's right in the center of the Impact Area. We  
19 intentionally fired hundreds of thousands of millions of  
20 rounds right there.

21

22 **DR. DIANE HENSHEL:**

23

24

1                   But what you're trying to tell me is that  
2     the Army or Army consultants are not capable of clearing any  
3     of the Impact Area?

4  
5                   **MR. PAUL CLOUD:**

6                   No.

7  
8                   **DR. DIANE HENSHEL:**

9                   And they never tried to clear an Impact Area  
10    here?

11  
12                  **MR. PAUL CLOUD:**

13                  No I'm not saying that at all. I'm not  
14    saying that at all. I'm not saying that at all.

15  
16                  **DR. DIANE HENSHEL:**

17                  Well then I don't get it. It's been clearly  
18    - I've got it elsewhere that they can't do it.

19  
20                  **MR. PAUL CLOUD:**

21                  No. Let - let me try and clarify it one (1)  
22    more time.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

Okay. Go ahead then.

**MR. PAUL CLOUD:**

Specific to the DU area at JPG.

**DR. DIANE HENSHEL:**

Yes.

**MR. PAUL CLOUD:**

Specific to that area we in the Army believe that based on the level of potential radiological exposure from the DU that since it satisfies that exposure criteria as defined by the Nuclear Regulatory Commission it does not warrant us placing EOD, Explosive Ordnance Disposal personnel in extreme personal safety situations because of the UXO to go clean up the DU when we already satisfied an exposure criteria that would not justify that extreme personal safety exposure from the UXO.

**DR. DIANE HENSHEL:**

1                   So what you're saying then is it's a policy  
2    decision?

3

4                   **MR. PAUL CLOUD:**

5                   No.

6

7                   **DR. DIANE HENSHEL:**

8                   Not that you can't do it?

9

10                  **MR. PAUL CLOUD:**

11                  No. It's only --

12

13                  **DR. DIANE HENSHEL:**

14                  But that you don't want to?

15

16                  **MR. PAUL CLOUD:**

17                  No. It's only partially a policy. It's  
18    based on our evaluation of the potential radiological  
19    exposure from the DU. And we believe it satisfies the NRC's  
20    exposure criteria. If we satisfy that exposure criteria for  
21    a License Termination it is not realistic or common sense to  
22    expose people to an immediate safety hazard from the UXO.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

But you could do it?

**MR. PAUL CLOUD:**

It is theoretically possible. We're not saying we couldn't. We don't believe it is necessary or required or a prudent thing to go do?

**DR. DIANE HENSHEL:**

Okay. But you could do it? It's not like you couldn't do it?

**MR. PAUL CLOUD:**

I didn't say we couldn't do it. Yes sir?

**MR. GEORGE SCOTT:**

Paul you said this doesn't meet the criteria.

**MR. PAUL CLOUD:**

I beg your pardon?

1                   **MR. GEORGE SCOTT:**

2                   It doesn't meet the criteria for the  
3 exposures? Who did the testing on the exposure levels and  
4 everything in here?

5

6                   **MR. PAUL CLOUD:**

7                   What do you mean who did the testing on  
8 this?

9

10

11                  **MR. GEORGE SCOTT:**

12                  Did the Army do all the testing or did they  
13 have any independent people come in to do any testing?

14

15                  **MR. PAUL CLOUD:**

16                  Richard did you want to say something?

17

18                  **MR. RICHARD HILL:**

19                  Well I - I think what he's asking is - now I  
20 lost it. I had it another way, a little different way to  
21 put it and now I can't say it. But the information that the  
22 Army has as to whether or not it meets the NRC criteria is

23

24

1 in the License Termination Plan. So he wants to know who  
2 did the License Termination Plan and the Risk Analysis for  
3 the record?  
4

5 **MR. PAUL CLOUD:**

6 Okay. Is that your question?  
7

8 **MR. GEORGE SCOTT:**

9 What I want to know is who determined the  
10 contamination levels? Was it the Army or independent  
11 testing experts?  
12

13 **DR. DIANE HENSHEL:**

14 And the level of contamination.  
15

16 **MR. PAUL CLOUD:**

17 It was - it was - the Army was responsible  
18 for insuring that that Report and that analysis was done.  
19 The analysis was done by Los Alamos National Laboratory and  
20 it was peer reviewed by Oak Ridge National Lab and a number  
21 of other ah agencies independent of the Army before we  
22 submitted it to the NRC.  
23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. GEORGE SCOTT:**

But all government agencies?

**MR. PAUL CLOUD:**

I can't recall if it was or not. I think they were but I'm not a hundred (100) percent sure. Diane?

**DR. DIANE HENSHEL:**

Could you clarify exactly how much actual testing was done by biota and people and etc.?

**MR. PAUL CLOUD:**

As far as what?

**DR. DIANE HENSHEL:**

How much DU got in to the people, how much DU go the people that were made to move down stream or the folks that come from that area? How much got into the wildlife that might be there? How did you actually evaluate in real life what the model is?

**MR. PAUL CLOUD:**

1                   Yeah. What we did was used the available  
2 information as required under the license for the ground  
3 water, the soil and the biota and used that information in  
4 accordance with what we have available from the NRC under  
5 the RESRAD code which we discussed back in May.

6

7                   **DR. DIANE HENSHEL:**

8                   Right.

9

10                  **MR. PAUL CLOUD:**

11                   And utilized that. But it's a model that is  
12 a standardized accepted generic model for this type of  
13 analysis. And it's a similar model as is done in generic  
14 terms for environmental under CERCLA for that type of Risk  
15 Assessment.

16

17                  **DR. DIANE HENSHEL:**

18                   But it was never back tested. CERCLA used  
19 to do back testing.

20

21                  **MR. PAUL CLOUD:**

22                   It was with the available information that

23

24

1       we had.

2

3                   **DR. DIANE HENSHEL:**

4                               Right.  When CERCLA was here they didn't go  
5       out and get biota and plug in to the model?

6

7                   **MR. PAUL CLOUD:**

8                               In some cases when you don't have an extreme  
9       personal safety issue like UXO.

10

11                   **MR. CHARLES FACEMIRE:**

12                               But as I recall the radiation levels that  
13       were used to plug into the model were gained not by random  
14       sampling but by sampling where it was safe to sample and so  
15       therefore those levels may not be representative of the DU  
16       area at all?

17

18

19                   **MR. PAUL CLOUD:**

20                               But they were also - and if you recall Dr.  
21       Ebinger's discussion on that where we could not take a lot  
22       of very specific and clerical things.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. CHARLES FACEMIRE:**

Right.

**MR. PAUL CLOUD:**

We did a lot of very conservative and we had conservative upon conservative upon conservative. So in our opinion if anything we believe that the analysis errs on the side of conservatism vice actual reality.

**MR. CHARLES FACEMIRE:**

I understand that. I understand your argument. But still actual data when we're out there --

**MR. PAUL CLOUD:**

We could always get more - it would always be nice to have more data. In this case because of the UXO we believe it's not prudent to go make that exceptional personal risk.

**MR. CHARLES FACEMIRE:**

Right. I like your argument though. I need

1 to comment on this. You mentioned that in order to go in  
2 there and clean this up you would have to trash the  
3 environment by clear cutting and mining the whole place.  
4 But the environment is already trashed because it's got UXO  
5 and DU on it. So I don't know what this is about.

6

7 **MR. PAUL CLOUD:**

8 Well I guess I would have to disagree with  
9 that. And the reason I would disagree with that is because,  
10 and again I won't speak for the U.S. Fish and Wildlife  
11 Service, but the DU area is part of the National Wildlife  
12 Refuge.

13

14 **MR. CHARLES FACEMIRE:**

15 Well I understand that.

16

17 **MR. PAUL CLOUD:**

18 And although there is restricted access to  
19 it ah it's still not a "trashed area" in our opinion.

20

21 **MR. CHARLES FACEMIRE:**

22 I used to work for the Fish and Wildlife

23

24

1       Service and I - I know that whenever anything like this  
2       comes up - we ended up with Rocky Flats for example, a  
3       Wildlife Refuge you know. I understand all that. I expect  
4       we will get answers now.

5

6               **MR. ROBERT HUDSON:**

7                       Well it's because they asked for it.

8

9               **MR. PAUL CLOUD:**

10                      Yes sir.

11

12               **MR. STEVE KREUZBURG:**

13                      As far as the License Termination Plan you  
14       propose to stop environmental monitoring is that correct?

15

16               **MR. PAUL CLOUD:**

17                      Under the regulations if we satisfy the  
18       restricted release criteria with the Institutional Controls  
19       in our Plan which would continue the federal ownership,  
20       would continue having a fence up, would continue having the  
21       locked gates and the locked barricades on the roads and the  
22       signage, yes. If we satisfy that criteria and the NRC makes

23

24

1       that determination there would be no further monitoring  
2       required as long as those access controls remain in effect.  
3       But we have to satisfy that criteria and the NRC needs to  
4       make that determination.

5

6                   **MR. STEVE KREUZBURG:**

7                               And do you have a feeling for about how much  
8       the Army annually says that kind of monitoring costs?

9

10                   **MR. PAUL CLOUD:**

11                               It costs about thirty thousand dollars  
12       (\$30,000) a year. We sample ah semi-annually. And the  
13       issue of mon - of cost for monitoring was not a  
14       consideration as far as the Army proposing to ah not monitor  
15       in out years or not. It's the issue of whether or not there  
16       is a level of exposure to the public that would require or  
17       would justify additional monitoring in the future. Does  
18       that answer your question?

19

20                   **MR. STEVE KREUZBURG:**

21                               Yes.

22

23

24



1 contact now, not only for the Army but for the public  
2 because we have submitted the Plan. We will continue to  
3 keep the public informed and involved and as we provide the  
4 information to the NRC we will provide it to the public and  
5 we will continue to have this item up on the RAB  
6 periodically for discussion and on the agenda. But your  
7 best source of information on specific details in the  
8 process would be to contact the NRC directly.

9

10 **MR. KEN BRANSTETTER:**

11 How much time do we have to do that?

12

13 **MR. PAUL CLOUD:**

14 My understanding from how long it will take  
15 them to go through this entire process, including their  
16 Environmental Impact Statement, is anywhere from two (2) to  
17 four (4) years. In all that time until there is a final  
18 ruling on the License Termination Plan we will continue to  
19 monitor semi-annually in accordance with the current  
20 license. I'd like to say one (1) other thing about ah the  
21 License Termination. Let's assume for a minute that when we  
22 get to the end of this process that there is a ruling made

23

24

1 by the NRC that the license will be terminated and there is  
2 no mon - monitoring required as long as the Institutional  
3 Controls, the access controls, are maintained in effect.  
4 That does not relieve the Army of the responsibility and the  
5 liability for the depleted uranium in this area. We still  
6 will own the land. We will still be responsible for the  
7 depleted uranium. It is inaccurate to indicate that we will  
8 not be responsible or liable should the access controls fail  
9 or the regulations change. We will always be responsible  
10 and liable for the material as long as it's there regardless  
11 of whether or not monitoring is or is not being performed.

12

13 **MR. CHARLES FACEMIRE:**

14 What if monitoring's done by some outside  
15 party shows that there is significant migration from the DU  
16 area? Then what is the Army's responsibilities in regard to  
17 that?

18

19 **MR. PAUL CLOUD:**

20 I would expect that that information would  
21 be provided to the NRC and that if they had a concern they  
22 would come back to us and provide whatever direction they

23

24

1 would require. But that would be their action because they  
2 are still the regulator of record.

3

4 **MR. KEN BRANSTETTER:**

5 Paul I hate to say it but the way it looks  
6 out there if they treated that like they did the other  
7 fifty-two thousand (52,000) acres they just enlarged the DU  
8 area. They said well the next thing you know we'd have two-  
9 thirds (2/3) of Jefferson County in a DU area.

10

11

12 **MR. PAUL CLOUD:**

13 I'm not quite sure I follow why you think  
14 that the two thousand (2,000) acre area where the depleted  
15 uranium was tested has now expanded to fifty-two thousand  
16 (52,000) which is automatically going to expand it to  
17 something much greater?

18

19 **MR. KEN BRANSTETTER:**

20 I mean this is what he's saying. If it  
21 migrated out of this it would enlarge the DU area.

22

23

24

1                   **MR. PAUL CLOUD:**

2                               If.

3

4                   **MR. KEN BRANSTETTER:**

5                               If.

6

7                   **MR. PAUL CLOUD:**

8                               If it - if there were indications that it  
9       did as I've stated the Army is still liable and responsible  
10      and if the NRC or any other regulator who has authority in  
11      this issue required the Army to take action we would have to  
12      go take whatever action they directed.

13

14                   **MR. KEN BRANSTETTER:**

15                               Another if.

16

17                   **MR. PAUL CLOUD:**

18                               Well if - if it migrates. We have no  
19      indication that it's migrating off the two thousand (2,000)  
20      acres.

21

22                   **DR. DIANE HENSHEL:**

23

24

1                               How do you know if you haven't tested it?

2

3                   **MR. PAUL CLOUD:**

4                               We have. With the ground water and the soil  
5                               and the sediment. We have ground water monitoring wells in  
6                               the southern end of the cantonment area. They come up  
7                               negative. We've been testing and sampling those back since  
8                               1984.

9

10                  **DR. DIANE HENSHEL:**

11                               In the service area? Surface water? You  
12                               tested surface water?

13

14                  **MR. PAUL CLOUD:**

15                               In the DU area. Yes that's part of the  
16                               License.

17

18                  **DR. DIANE HENSHEL:**

19                               How about - you did mention the surface.

20

21                  **MR. PAUL CLOUD:**

22                               One (1) thing I did find and we will provide

23

24

1       it to you, we talked about some of the deer samples?

2

3               **DR. DIANE HENSHEL:**

4                       Yes? You did find deer samples?

5

6               **MR. PAUL CLOUD:**

7                       I did find some - some results.

8

9               **DR. DIANE HENSHEL:**

10                      Good.

11

12               **MR. PAUL CLOUD:**

13                      When I get back I'll - I'll will make  
14       copies. They are kind of faint. I think they were printed  
15       on a dot matrix printer. But I will give you those.

16

17

18               **DR. DIANE HENSHEL:**

19                      What do they say?

20

21               **MR. PAUL CLOUD:**

22                      Basically non detect or so low that it's

23

24

1 almost negligible. But I did find some stuff. So I will -  
2 I will send it to you.

3

4 **DR. DIANE HENSHEL:**

5 And that was liver, muscle, eyes, whatever?

6

7 **MR. PAUL CLOUD:**

8 I think it was liver. I can't remember. I  
9 just remember it was before I went on vacation and ah I just  
10 know we have it. I've seen it. NRC has it in fact because  
11 we actually got the information based on information we had  
12 supplied to the NRC many years ago. And one (1) of our  
13 attorneys asked for a complete copy of everything the NRC  
14 had in their public document area. And I was going through  
15 that and I just happened - I was looking for actually  
16 something else and I just happened to see that. Deer  
17 sample. This is what we were talking about before and we  
18 couldn't find it. Richard?

19

20 **MR. RICHARD HILL:**

21 You're sure that was deer samples?

22

23

24

1                   **MR. PAUL CLOUD:**

2                               Yes. It said - yeah.

3

4                   **MR. RICHARD HILL:**

5                               I looked through the NRC files too which you  
6 know is - stands (indicating).

7

8                   **MR. PAUL CLOUD:**

9                               The way I read it I - I --

10

11                   **MR. RICHARD HILL:**

12                               But by it being that big (indicating) I can  
13 understand how I could have missed it.

14

15                   **MR. PAUL CLOUD:**

16                               The way I read it it was JPG specific and it  
17 was deer.

18

19                   **MR. RICHARD HILL:**

20                               Okay.

21

22                   **MR. PAUL CLOUD:**

23

24

1                   But when I get back I will find it. Joyce  
2           has that information now. I gave it all to her. I mean  
3           like you said it's about - it's about this all (indicating).  
4

5                   **MR. RICHARD HILL:**

6                   Yeah I know.  
7

8                   **MR. PAUL CLOUD:**

9                   Any other questions or comments regarding  
10          the DU? Sir?  
11

12                  **MR. KEN BRANSTETTER:**

13                  I guess. You gave me a what if there a  
14          while ago. Well what if an independent agency or agencies  
15          went in there and tested this same area like you, the Army  
16          did? Would their results be comparable or what would we  
17          find?  
18

19                  **MR. PAUL CLOUD:**

20                  You would probably find the same thing we  
21          found.  
22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. KEN BRANSTETTER:**

Probably?

**MR. PAUL CLOUD:**

Well there's always a possibility you might find something different. Ah that's - you know there's no hundred (100) percent guarantee in life for that matter. But what I'm saying is we believe based on what we have found and all the sampling and all the testing and all the analysis that we have done that the radiological exposures that would result from leaving the DU in place with restrictive access to that area satisfies the NRC criteria for a Restricted Reuse Termination. But that is a decision for the NRC to make and they will have, as I understand it, at least two (2) to four (4) years to make a review and analysis of that situation before they make a determination.

**MR. KEN BRANSTETTER:**

I would like to see them get somebody besides we to do some testing.

1                   **MR. PAUL CLOUD:**

2                   That's - that's up to the NRC. You know if  
3                   you have a concern or an issue on that point I would suggest  
4                   that you call Dr. McLaughlin. But that's - you know that's  
5                   what he's available for is to take that input. Any other  
6                   comments or questions?

7

8                   **MR. KEN KNOUF:**

9                   Paul?

10

11                  **MR. PAUL CLOUD:**

12                  Ken?

13

14                  **MR. KEN KNOUF:**

15                  We've - we've really hit hard the whole  
16                  concept of the radiological. We haven't really talked about  
17                  the toxicological. What mechanism is there to kind of keep  
18                  an eye on that, any potential long term effects? Does the  
19                  EPA come into that or how does that work?

20

21                  **MR. PAUL CLOUD:**

22                  It's my understanding that currently there

23

24

1 are no known regulatory avenues to address that from a  
2 purely heavy metal toxicological prospective. However,  
3 under the NRC's NEPA process under their Environmental  
4 Impact they have to take that kind of factor into  
5 consideration. Now if there is something out there I know  
6 that EPA and the State are looking into that issue trying to  
7 see if there are specific exposure criterias for the heavy  
8 metal of uranium. I don't know that they found anything  
9 yet. I'm led to believe that they haven't. But they're  
10 free to continue that search. And if there is something or  
11 something has developed then we will have to address that at  
12 that time. Currently we are not aware of anything.

13

14 **MS. KAREN MASON-SMITH:**

15

16 Yes. My name is Karen and I'm with EPA in  
17 Chicago. What Paul has said is pretty much accurate. We  
18 talked about that today at our BRAC Clean Up Committee and  
19 it - it's ironic that Ken asked that question because that's  
20 what I just ran over to ask Kevin. At our last RAB meeting  
21 I think Dr. Henshel had a question and we were left with we  
22 were going to come back to you after checking into it. Both

23

24

1 of us have checked and at least I can speak on my part from  
2 EPA and in our meeting today IDEM had also checked. NRC is  
3 the regulatory agency. So you know I know that's not  
4 necessarily the answer that people like to hear but ah like  
5 the gentleman in the back stated we're all government  
6 agencies and have a certain pecking order that we follow.  
7 So ah NRC is - is the regulating agency. And so they will  
8 make the final decision. But what we would do is that  
9 doesn't cut us out of the picture. EPA I am told will  
10 continue to comment. We will be provided comments on the  
11 document, on the LTP or whatever it is, License Termination  
12 Plan. It would be similar to some of those comments that I  
13 provided when Paul had his initial public comment period and  
14 we stood up and we provided questions regarding ah the  
15 issues that you have with Save The Valley, that document or  
16 that process. So it will be a continuation of those  
17 concerns because we do have the same concerns and one (1) of  
18 the questions that EPA raised initially was regarding heavy  
19 metals and the toxicity of that and so it's not that we're  
20 not aware of it. It's just a matter that we are not the  
21 regulating agency on this particular issue so we can't take  
22 the forefront. But we will continue to raise our concerns

23  
24

1 and then try to make NRC aware of it. And I think NRC is  
2 trying to work with us. We just haven't done this before.  
3 But we have received a letter from NRC stating that - I  
4 don't know if some of the other RAB members have received it  
5 also but we've received a letter stating that they're going  
6 to ah possibly come out and visit us to talk about any  
7 concerns we have or public technical assistance, public  
8 participation. And ah I don't know if any other RAB members  
9 have received that letter. So we're looking forward to  
10 that. And we would assume at that time that they would take  
11 any concerns or any issues that we have and they would have  
12 to - it would be their - it would be their job to take into  
13 consideration any concerns we have. So at that time if -  
14 whatever answer they provide back in response to the  
15 comments we raise, if we don't like it we will do the normal  
16 process that we normally do just as we - the same process I  
17 guess that we've used here ah with the BRAC Clean Up team.

18

19 **MR. CHARLES FACEMIRE:**

20 I guess that's the problem. We're dealing  
21 with radioactive material and the clean up levels are all in  
22 eco periods for liter or something rather than parts per

23

24

1 million which it would mean we're talking strictly heavy  
2 metal. And so there we're - we're sort of between a rock  
3 and a hard spot in lots of these.

4

5 **MS. KAREN MASON-SMITH:**

6 Right.

7

8 **MR. CHARLES FACEMIRE:**

9 Aspects of the things because there's no -  
10 there's no data.

11

12

13 **MS. KAREN MASON-SMITH:**

14 And that's all we have. We don't - we can't  
15 give you any other answers but we are still searching.  
16 We're not shutting the door. We understand the concerns and  
17 we do understand the concerns that the community has.

18

19 **DR. DIANE HENSHEL:**

20 Just out of curiosity because it might help  
21 us in terms of talking to any of these people is this a law  
22 or is it just a policy, is the policy written down, is it a

23

24

1 verbal policy, is it the same - is it like one (1) executive  
2 order that came down and affected both State and Federal?

3

4 **MS. KAREN MASON-SMITH:**

5 Is what a law?

6

7 **DR. DIANE HENSHEL:**

8 This - everything that got turned over to  
9 the NRC?

10

11 **MS. KAREN MASON-SMITH:**

12 That is a law.

13

14

15 **MR. KEVIN HERRON:**

16 There's a State law.

17

18 **MS. KAREN MASON-SMITH:**

19 That is a law.

20

21 **MR. KEVIN HERRON:**

22 There is a law that prohibits the State from

23

24

1       doing anything on - on radiological things if there is a  
2       law.

3

4               **DR. DIANE HENSHEL:**

5                       Aha.

6

7               **MS. KAREN MASON-SMITH:**

8                       It is a law.

9

10              **MR. KEVIN HERRON:**

11                       On the books that prohibits --

12

13              **MR. PAUL CLOUD:**

14                       In the Indiana Administrative Code there is  
15       a, as Kevin has said, there's a specific statutory item that  
16       addresses this. And basically in a nutshell what it says is  
17       if a licensee is regulated by the Nuclear Regulatory  
18       Commission for that material then the State defers  
19       unequivocally to the NRC period.

20

21              **DR. DIANE HENSHEL:**

22                       So a law. And federally?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

But it's for radiological issues.

**MR. CHARLES FACEMIRE:**

That's only for the radiological properties and stuff, not for their heavy metal properties. We've talked about that.

**MR. PAUL CLOUD:**

That's an accurate statement.

**DR. DIANE HENSHEL:**

We talked about that.

**MR. KEVIN HERRON:**

Well you're right on the types of - types of radiological. I've talked to our State Department. We've got a letter from the Mayor questioning the concerns on - on the DU area in total. And at the term Environment Impact you know we're fairly limited in what we can do. So it's - our greatest concern is the exposure to human health. So

1       what we're doing is working with our State Department of  
2       Health that has direct contact with the ATSDR. Hopefully  
3       they as being human health people hopefully they can come up  
4       with something. But you're right. There is no real  
5       information out there.

6

7               **MR. CHARLES FACEMIRE:**

8                       Right.

9

10              **MR. KEVIN HERRON:**

11                      And who does the studies? It's the ATSDR,  
12       the CDC and some universities and stuff like that.

13

14              **DR. DIANE HENSHEL:**

15                      I don't think the ATSDR does do that.

16

17              **MR. PAUL CLOUD:**

18                      Actually they have.

19

20

21              **DR. DIANE HENSHEL:**

22                      Have they really?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

We had earlier this summer just after our meeting in May two (2) representatives from the ATSDR come out to JPG specific to the DU issue. And they were basically responding to a petition request from Mr. Lenny Segal out in California many years ago on this issue. And he identified a whole shotgun number of sites. JPG just happened to be one (1) of them. And after they had negotiated or had Mr. Segal clarify on the number of sites that he would like to see, you know JPG just made that cut. So they came out this summer and looked at the area. I can go back next week when I'm in the office and I can provide you with a point of contact if you're interested with who from the ATSDR came out but they have actually come out to JPG this summer.

**MR. CHARLES FACEMIRE:**

But Paul that probably --

**MR. KEN KNOUF:**

For us lay people, excuse me.

1                   **MR. CHARLES FACEMIRE:**

2                               That's all right.

3

4                   **MR. KEN KNOUF:**

5                               For us lay people and maybe Sharon what does  
6 that stand for?

7

8                   **DR. DIANE HENSHEL:**

9                               Agency for Toxic Substances and Disease  
10 Registry.

11

12                   **MR. PAUL CLOUD:**

13                               And they are part of the Center for Disease  
14 Control.

15

16                   **DR. DIANE HENSHEL:**

17                               They were created by the SuperFund law in  
18 order to look at the human health issues related to  
19 SuperFund.

20

21                   **MR. PAUL CLOUD:**

22                               Yes.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

There - they have no regulatory power at all. They are strictly the investigative body.

**MR. KEVIN HERRON:**

They can make the EPA go out and take action if they - if they can show --

**DR. DIANE HENSHEL:**

But they have recommendation ability.

**MR. KEVIN HERRON:**

They can make EPA take action on something they determine to have exposure threat in an area. They've done it in Indiana in neighborhoods that have lead contamination. The lead - EPA said if it was below our standards it was not a threat. ASTDR came out. They determined that there was an exposure threat to people in the neighborhood, there was evidence of lead in children and they said EPA you shall - will do this.

1                   **DR. DIANE HENSHEL:**

2                               Un-huh (yes).

3

4                   **MR. KEVIN HERRON:**

5                               And guess what? They did removal out there  
6 for about five million (\$5,000,000) dollars.

7

8                   **DR. DIANE HENSHEL:**

9                               But it's my understanding though from  
10 talking to Barry Johnson who is the -- that that's only  
11 recommendation power. It's not legal power per se.

12

13                   **MR. KEVIN HERRON:**

14                               No. They made them do a removal action in  
15 Indianapolis.

16

17                   **DR. DIANE HENSHEL:**

18                               Okay.

19

20                   **MR. PAUL CLOUD:**

21                               And I'll answer your question before Diane.  
22 I don't know anything about that.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. KEVIN HERRON:**

I can just speak to what happened in Indianapolis.

**DR. DIANE HENSHEL:**

Yes.

**MR. KEVIN HERRON:**

In that one (1) area.

**DR. DIANE HENSHEL:**

You're saying that when they recommend that strongly they ask --

**MR. KEVIN HERRON:**

And the only reason they made this an option was ASTDR. And I saw the letter that basically you will do it.

**MR. KEN BRANSTETTER:**

Can we get them to monitor out there?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**DR. DIANE HENSHEL:**

The Army should be doing that.

**MS. JULIE BERRY:**

Has that been done?

**MR. PAUL CLOUD:**

What?

**MS. JULIE BERRY:**

ASTDR? Is that what we were talking about?

**MR. PAUL CLOUD:**

ASTDR representatives have been to the Proving Ground this summer. There were two (2) representatives from their agency in response to Mr. Segal.

**MS. JULIE BERRY:**

That's what you were referring to?

**MR. PAUL CLOUD:**

1                   Yes. They were out here this summer. We  
2           did show them the DU area. We showed them the streams. We  
3           showed them the controls in the access in the entire area  
4           and we responded to their questions. I am told or  
5           understand that they may have a preliminary or a draft  
6           response to Mr. Segal's early 1990 request sometime this  
7           fall or winter. But that's up to them.

8

9                   **MS. KAREN MASON-SMITH:**

10                   Paul I have a question and a comment. Which  
11           office? Where did ATSDR come from?

12

13                   **MR. PAUL CLOUD:**

14                   I believe they came out of Atlanta.

15

16                   **MS. KAREN MASON-SMITH:**

17                   Okay. And my comment is this must be a high  
18           priority because they usually won't get involved unless they  
19           see something that's priority. That's what we've been told.

20

21                   **MR. PAUL CLOUD:**

22                   Well --

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MS. KAREN MASON-SMITH:**

We tried to get them out here to JPG a long time ago.

**MR. PAUL CLOUD:**

Let me, and I assumed the same thing. However let me give you some prospective on that from my - my position. Mr. Segal wrote his letter initially in 1992. It was late 1992 and then they - because he identified so many sites, and this was basically right after the Gulf War and that's what he used as the concern okay? He identified a large number of sites. Well that was clearly beyond the capability of the resources within ASTDR to go address. So they went back to Mr. Segal and asked for a priority or a ranking of a half a dozen or less number of sites. Well JPG made that cut. And between 1992-1993 and 2001 I don't know why they didn't come out sooner. But that's their decision. I - my perception would be that it is not that high a priority but I don't know that. That's for them to determine.

1                   **MS. KAREN MASON-SMITH:**

2                               Yes. That's what we were told.

3

4                   **DR. DIANE HENSHEL:**

5                               When did they come exactly?

6

7                   **MR. PAUL CLOUD:**

8                               This summer.

9

10                  **DR. DIANE HENSHEL:**

11                              When this summer?

12

13                  **MR. PAUL CLOUD:**

14                              June. I think it was June. Late May or  
15 early June.

16

17                  **DR. DIANE HENSHEL:**

18                              Okay.

19

20                  **MR. PAUL CLOUD:**

21                              See I came to JPG five (5) weeks in a row  
22 for different things and that was one (1) of those five (5)

23

24

1 weeks.

2

3 **MR. CHARLES FACEMIRE:**

4 You say you're going to be here in  
5 September?

6

7 **MR. PAUL CLOUD:**

8 I expect to be yes.

9

10 **MR. CHARLES FACEMIRE:**

11 And we can get up in the DU area?

12

**M**

13 **R. PAUL CLOUD:**

14 Sure. No problem. No problem.

15

16 **MR. CHARLES FACEMIRE:**

17 Let us know.

18

19 **MR. PAUL CLOUD:**

20 Okay. Easy. I'll call Richard and we'll  
21 set it up. I will tell you right now when we go in the area  
22 you will not leave the road.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. CHARLES FACEMIRE:**

I understand.

**MR. PAUL CLOUD:**

Period.

**DR. DIANE HENSHEL:**

We can bring whatever photographic equipment  
we want?

**MR. PAUL CLOUD:**

You bet. I'll have my digital camera there  
you know. And we can take photos if you like. I'll show  
you UXO right on the - right in the culvert.

**MS. KAREN MASON-SMITH:**

One (1) other comment. If anyone else has  
received that letter from NRC regarding the public  
participation they mention two (2) other sites that are also  
going through the same process. So JPG to my knowledge was  
the only Federal facility. And I think the other two (2)

1       were private.

2

3               **MR. PAUL CLOUD:**

4                       That's my understanding. I don't know how  
5       far they, these other licensees, are along. I believe we  
6       are at least as far along as anyone else but I don't know  
7       that for a fact. You could get that information from the  
8       NRC, you know Dr. McLaughlin. Any other comments or  
9       questions regarding this issue?

10

11               **MR. RICHARD HILL:**

12                       I have something.

13

14               **MR. PAUL CLOUD:**

15                       Go ahead. Well before you do Richard this  
16       gentleman in the back hasn't had an opportunity.

17

18               **MR. RICHARD HILL:**

19                       I'm in no hurry.

20

21               **MR. PAUL CLOUD:**

22                       Yes sir?

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. GEORGE SCOTT:**

That's mentioned a Mr. Segal? Is that his  
name?

**MR. PAUL CLOUD:**

Yes.

**MR. GEORGE SCOTT:**

Who is that?

**MR. PAUL CLOUD:**

He's an environmental activist concerned  
citizen on the West Coast who has been involved and  
concerned with unexploded ordnance and depleted uranium  
issues for years. He is recognized at least in the public  
community arena as somewhat of an expert on community  
concerns. And he is very well known in the Beltway and at  
the Pentagon. He has dealt with Secretariat level  
individuals all the way up to the Department of Defense. I  
beg your pardon?

1                   **MR. GEORGE SCOTT:**  
2                               So he'd be a good person for us to know.  
3  
4                   **MS. KAREN MASON-SMITH:**  
5                               He's a community activist.  
6  
7                   **MR. RICHARD HILL:**  
8                               He's with an organization called the Center  
9                   for Public and Environmental Oversight is what he calls -  
10                  what it's called right now. Back in '92 they had another  
11                  name.  
12  
13                  **MR. PAUL CLOUD:**  
14                               Yeah.  
15  
16                  **MR. RICHARD HILL:**  
17                               But I can't recall at this time.  
18  
19                  **MR. PAUL CLOUD:**  
20                               Lenny's been around for a while.  
21  
22                  **MR. RICHARD HILL:**  
23  
24

1                               Yeah.

2

3                   **MR. PAUL CLOUD:**

4                               I used to be out in California and had the  
5 opportunity to be at the same place at the same time.

6

7                   **MR. GEORGE SCOTT:**

8                               Is he any relation to Bugsy Segal?

9

10                  **MR. PAUL CLOUD:**

11                              You'll have to ask Lenny. I don't know.

12

13                  **MR. KEN BRANSTETTER:**

14                              No but he got his neighborhood cleaned up.

15

16                  **MS. KAREN MASON-SMITH:**

17                              The process --

18

19                  **MR. PAUL CLOUD:**

20                              Richard you had some questions?

21

22                  **MS. KAREN MASON-SMITH:**

23

24

1 I had a real quick one (1).

2

3 **MR. PAUL CLOUD:**

4 Go ahead.

5 **MS. KAREN MASON-SMITH:**

6 The process that JPG and Save The Valley are  
7 going through, are you guys still in discussion?

8 **MR. RICHARD HILL:**

9 I can address that.

10

11 **MR. PAUL CLOUD:**

12 Go ahead.

13

14 **MR. RICHARD HILL:**

15

16 Okay. But not first - the first thing -  
17 maybe two (2) other things. Who knows? Ah thanks Paul. I  
18 did talk to Dr. Thomas McLaughlin today on the telephone.  
19 Ah and ah I appreciate Paul giving me this number, giving me  
20 Tom's number earlier in the week. All these days are  
21 running together for me right now. We're busy with  
22 registration and it's been busy, busy, busy. But I finally

23

24

1 got ahold of him today. We played phone tag yesterday. And  
2 for one (1) thing Dr. Mclaughlin did ah give me the  
3 information about the time line on the process that - that  
4 Paul showed us earlier about you know the time line for the  
5 Acceptance Review, the Technical Review that the NRC will  
6 do, the Environmental Report and that so you've seen all of  
7 that tonight. So we talked about that a little bit. He did  
8 ah want me to express that the NRC is - is not ignoring us  
9 right now by not being here. That they're not ready to be  
10 here yet because they haven't done these reviews yet. They  
11 don't have any public or official stand on any of this right  
12 now. They've just started in the process of going through  
13 it. So he wanted me to - let's see three (3) things. That  
14 we're not forgotten, that it's a long process, and it's a  
15 team process if you notice there are a lot of different  
16 people. So I told him I would pass that on. And we had a  
17 good conversation. I felt more informed, much more informed  
18 after I talked to him. And ah there was just really nothing  
19 surprising. I mean it's the same kinds of things that we've  
20 talked about with the Army and it's you know going along  
21 with the process that that property is going through right  
22 now. Although it does get a little confusing the different

23

24

1 reports, reviews and things that come in to it at different  
2 times. But we will get that all straightened out. Ah he  
3 also recommended ah actually you know - facilities being  
4 decommissioned it's okay, they're fine. He recommended that  
5 I talk to ah a woman by the name of Lisa Clark who is in the  
6 General Counsel Office at NRC and he gave me her number, Mr.  
7 McLaughlin - Dr. McLaughlin gave me her number so I got  
8 ahold of her today. Because - the main reason that I needed  
9 to talk to her is that now I'm going to muddy the issue  
10 terribly. It gets more confusing. You can forget a lot  
11 about it and a lot after I say it okay? The - back in 1999,  
12 right at the end of '99, and I'll look at Paul once in a  
13 while and you jump in if I get the date wrong or something.  
14 But anyway right at the end of '99, it was in December I'm  
15 pretty sure, the Army submitted a Decommissioning Plan for  
16 the DU through the NRC?

17

18 **MR. PAUL CLOUD:**

19 Correct.

20

21 **MR. RICHARD HILL:**

22 The NRC put a notice in the Federal Register

23

24

1 opening that Decommissioning Plan up for comment and an  
2 opportunity for public hearing if anyone wanted to - not a  
3 public hearing, I'm sorry. It's called a hearing but it's  
4 more of an administrative type hearing before an  
5 Administrative Judge. At the time that Save The Valley  
6 reviewed that Decommissioning Plan, I'll call it the old  
7 Decommissioning Plan, we did not think that it was suitable  
8 at all and I think that the Army would agree with us that it  
9 was not suitable because they ended up withdrawing that  
10 Plan.

11

12 **MR. PAUL CLOUD:**

13 And - and let me jump in here to explain  
14 that.

15

16 **MR. RICHARD HILL:**

17 Yes.

18

19 **MR. PAUL CLOUD:**

20 One (1) of the reasons why ah that Plan was  
21 not as accurate and as detailed as the Plan that we have  
22 just recently submitted, which Richard and I think would -

23

24

1 we'd refer to as the new Plan, is that the old Plan was  
2 submitted before the NRC had specific regulations on the  
3 content and the requirements for a Plan. JPG was way ahead  
4 of that process but we had to get something in to them so we  
5 gave them a very minimal document. Even if Save The Valley  
6 had not requested their hearing the Army would have provided  
7 a Revised Plan regardless. Go ahead Richard.

8

9 **MR. RICHARD HILL:**

10 Okay. And I would expect that if you had  
11 not that the NRC would have required you to do that?

12

13 **MR. PAUL CLOUD:**

14 I would expect that they would have. Yes.

15

16 **MR. RICHARD HILL:**

17 Because things were changing.

18

19 **MR. PAUL CLOUD:**

20 Yes.

21

22 **MR. RICHARD HILL:**

23

24

1 Rules were changing at that time. So okay.  
2 That's accurate. So ah part of - well at - at the time  
3 that it was announced in the Federal Register, Save The  
4 Valley contacted the NRC with all the paper work you have to  
5 do and everything to request this - this hearing. We had  
6 discussions with the Judge. The Judge and the Army and Save  
7 The Valley agreed to not pursue the hearing at that time  
8 because the Army was preparing this Revised Plan.

9  
10 **MR. PAUL CLOUD:**  
11 Revised Plan.

12  
13 **MR. RICHARD HILL:**  
14 And so we all agreed to that. Then we - the  
15 Army came out the drafted, its Revised Plan and Save The  
16 Valley looked over it and made comments to it and things  
17 like that. And subsequently the new Plan has now come out.  
18 The new Plan is totally different than that old Plan. So  
19 there is - I wanted to ask Lisa Clark the Counsel in the NRC  
20 that we were thinking in the right direction and things -  
21 and what we were thinking is - there's just no use for Save  
22 The Valley to pursue a hearing on the Plan that doesn't

23  
24

1       exist anymore. I mean would you --

2

3               **MR. PAUL CLOUD:**

4                       That's an accurate statement.

5

6               **MR. RICHARD HILL:**

7                       Okay. So she told me that she's ninety-nine  
8       (99) percent sure that that's an accurate assessment. She  
9       is pretty new in this on - how do I want to say it? As far  
10      as JPG itself. I have no idea how long she's been in NRC  
11      here or an attorney or anything like that. I'm not sure  
12      when she did that. But the JPG situation is fairly new to  
13      her so she was under the impression, very strongly, that  
14      this is not just an amendment to that old Plan but it's a  
15      different Plan.

16

17               **MR. PAUL CLOUD:**

18                       That's correct.

19

20               **MR. RICHARD HILL:**

21                       I agree. I mean I don't see any way that it  
22      could be construed as being an amendment of the old Plan.

23

24

1       So that being so Save The Valley is going to withdraw its  
2       request for a hearing on that old Plan but not - we just  
3       don't have a statement right now as to whether we will  
4       request a hearing on the new Plan. From what Ms. Clark  
5       communicated to me the new Plan will go through the process  
6       that Dr. McLaughlin and Paul explained tonight. And then  
7       she was again ninety-nine (99) percent certain that it would  
8       come out as a notice in the Federal Register and people  
9       would be afforded the opportunity to request a hearing at  
10      that time. So it's silly for us to spin our wheels and all  
11      that sort of thing and waste time and money and what not to  
12      pursue a Plan that doesn't really exist anymore. So you  
13      know as people may hear - I wanted to make it clear that  
14      what we're dropping is - is the request for a hearing on  
15      that old Plan which isn't here anymore anyway. So. Is that  
16      clear as mud?

17

18                   **MS. KAREN MASON-SMITH:**

19                               Yes.

20                   **MR. RICHARD HILL:**

21                               Okay. But we are definitely going to supply  
22      comments about the current Plan, how we think the monitoring

23

24

1       should be continued and a lot of the things that have been  
2       brought out you know this evening already. So are there any  
3       questions about that?

4

5               **MS. KAREN MASON-SMITH:**

6                       No. But I just wanted to say thank you. I  
7       was not aware all that was going on. This old Plan versus  
8       the new Plan and all that. So thanks for that.

9

10              **MR. RICHARD HILL:**

11                     The old Plan if you have it, throw it away.  
12       It's not of any use anymore.

13

14              **MS. KAREN MASON-SMITH:**

15                     Okay. Got you.

16

17              **MR. RICHARD HILL:**

18                     The one (1) you've got now is the one (1)  
19       we're looking at. Thank you.

20

21              **MR. PAUL CLOUD:**

22                     Any other comments or questions on the DU?

23

24

1 Karen?

2

3

4 **MS. KAREN MASON-SMITH:**

5 I have a question. The comments that we  
6 provide during that - during the public comment night that  
7 you had, the public comment meeting, will the Army answer  
8 those questions now that Save The Valley has dropped the  
9 hearing or whatever you had on the whole Plan?

10

11 **MR. PAUL CLOUD:**

12 Those questions or comments have already  
13 been provided to the NRC and they will do an evaluation. If  
14 they - if that results in them coming back to us with  
15 specific questions we will respond to them because we are in  
16 their process now because we have submitted the Plan.

17

18 **MS. KAREN MASON-SMITH:**

19 Okay.

20

21 **MR. PAUL CLOUD:**

22 I think we have answered most of those

23

24

1 questions tonight based on the fact that the Army believes  
2 that the radiological exposures that would be ah evident or  
3 at risk to the general public at JPG for this specific  
4 situation are at such a low level that they satisfy the  
5 NRC's criteria for a Restricted Reuse Termination. But the  
6 NRC will make that ruling.

7

8 **MS. KAREN MASON-SMITH:**

9 But I understand what you're saying but I'm  
10 not sure if you clearly answered my question. There was -  
11 there was a number of questions from different people and I  
12 left that meeting with the understanding that at that  
13 particular time the Army could not answer those questions  
14 but they would at some point in time.

15

16 **MR. PAUL CLOUD:**

17 We - we will not answer them specifically.  
18 It's not my expectation that the Army will respond to those  
19 questions, to those individuals, formally and officially in  
20 writing. But all of those comments and questions have been  
21 provided verbatim to the NRC. Should the NRC make a request  
22 based on that information or subsequent public meetings that

23

24

1 the NRC holds, they can come back to us and ask us that.

2

3 **MS. KAREN MASON-SMITH:**

4 I see.

5

6 **MR. PAUL CLOUD:**

7 And that's how I think we would respond.

8

9 **MS. KAREN MASON-SMITH:**

10 I see.

11

12 **MR. PAUL CLOUD:**

13 Does that answer your question?

14

15 **MS. KAREN MASON-SMITH:**

16 Yes.

17

18 **MR. PAUL CLOUD:**

19 Okay. If anyone does have a question for  
20 our point of contact in the Army I think you've seen this  
21 slide before (indicating). This is Ms. Kuykendall. We have  
22 an address and E-mail, Snail-Mail address, a phone number,

23

24

1 fax number. You can also contact her. I would highly  
2 encourage you though if you have specific questions and you  
3 want to insure that the NRC gets them that you call Dr.  
4 McLaughlin. That is why I coordinated with him and provided  
5 his phone number, his name and his mailing address because  
6 now they are officially in the picture because we have  
7 supplied and provided to them our request for this License  
8 Termination. So they can now get involved more specifically  
9 in the process. Yes ma'am?

10

11 **MS. PEGGY VLEREBOME:**

12 Is it just because I'm a newspaper reporter  
13 but the last time I called her she said she's not allowed to  
14 talk to me.

15

16 **MR. PAUL CLOUD:**

17 Typically what they will do, depending on  
18 the specifics is, the Army like any other federal agency has  
19 a Public Affairs Office. Depending on the specifics of the  
20 issue and the specific questions they may refer you to the  
21 Public Affairs Office. That is you know not uncommon. EPA  
22 has them, the NRC has them. All federal agencies have them.

23

24

1       It depends on the specifics.

2

3               **MS. PEGGY VLEREBOME:**

4                       If Richard calls he talks to her.

5

6               **MR. PAUL CLOUD:**

7                       He may. But he may also get referred. It  
8 depends on the specifics. Ah I can't answer anything more  
9 than that. If you called me back in Aberdeen and asked me a  
10 very specific question it would depend on the nature of that  
11 question. I may refer you to Mr. Morales in the PAO office.  
12 It just depends.

13

14               **MS. PEGGY VLEREBOME:**

15                       She just simply said she's not allowed to  
16 talk to me.

17

18               **MR. DENNIS LINDSEY:**

19                       That would be a policy, their policy.

20

21               **MS. PEGGY VLEREBOME:**

22                       But I think she had talked to other

23

24

1 reporters. Or maybe she had said something --

2

3 **MR. PAUL CLOUD:**

4 To the best of my knowledge I don't know.

5

6 **MS. KAREN MASON-SMITH:**

7 Did she refer you to someone else?

8

9 **MR. PAUL CLOUD:**

10 She referred you to the PAO office?

11

12 **MS. PEGGY VLEREBOME:**

13 Yeah and they never call me back. I just  
14 remember she won't talk to me.

15

16 **MR. PAUL CLOUD:**

17 Any other comments or questions on any of  
18 the subjects we've talked about tonight or anything else  
19 that may be on your mind regarding JPG and the clean up and  
20 the restoration and the reuse?

21

22 **DR. DIANE HENSHEL:**

23

24

1 Can I just ask one (1) question Paul? You  
2 knew I couldn't let it go. Ah because decommissioning was  
3 proposed first and then switched to License Termination  
4 which is slightly different process, why did you switch?  
5 Why didn't you just go back and do a decommissioning again?

7 MR. PAUL CLOUD:

8                   Decommissioning as I understand it, and you  
9    might want to get a more definitive explanation from Dr.  
10   Mclaughlin, but as I understand it decommissioning by its  
11   nature implies some amount of clean up, some amount of  
12   remediation, some amount of clean up. License Termination  
13   may or may not require any amount of clean up.

15 DR. DIANE HENSHEL:

16           So you want to stay away from that clean up?

18 MR. PAUL CLOUD:

19 I'm not saying that at all. What I'm saying  
20 is the NRC's regulations specifically require any licensee  
21 to submit a License Termination Plan. It may or may not  
22 involve clean up or remediation or decommissioning. But

1       that's their criteria, their specifics. If you want anymore  
2       I would suggest you talk to Tom because he could - he could  
3       probably explain it must better than I. But that's my  
4       understanding.

5

6                   **MS. KAREN MASON-SMITH:**

7                   It appears that the Termination Plan gives  
8       the perception that the facility is trying to get away from  
9       doing that.

10

11                   **MR. PAUL CLOUD:**

12                   But under the License Termination Process  
13       there are various options that can be selected and approved  
14       by the NRC. Some of them are unrestricted which may or may  
15       not require remediation or clean up. In this particular  
16       case the Army believes that based on the information and  
17       data as we provided in the License Termination Plan that we  
18       satisfied that criteria under the NRC regulations and it  
19       doesn't warrant the extreme personal safety hazard for  
20       exposure to the UXO in that area to go clean up something  
21       where we already meet their exposure criteria.

22

23

24

1                   **DR. DIANE HENSHEL:**  
2                               But you did do some clean up.  There was --  
3  
4                   **MR. PAUL CLOUD:**  
5                               No not in the DU area.  
6  
7                   **DR. DIANE HENSHEL:**  
8                               I thought you said --  
9  
10                  **MR. PAUL CLOUD:**  
11                               Not anything north of the firing line.  No  
12                  ma'am.  We've never cleaned up anything north of the firing  
13                  line.  
14  
15                  **DR. DIANE HENSHEL:**  
16                               Nothing?  
17  
18                  **MR. PAUL CLOUD:**  
19                               The - the only thing we've ever done there -  
20                  the only - let me explain.  
21  
22                  **DR. DIANE HENSHEL:**  
23  
24

1                               Wait a second.

2

3                               **MR. PAUL CLOUD:**

4                               It wasn't a formal clean up. When the  
5                               facility - when the facility was active periodically there  
6                               was a superficial effort to go out with qualified people in  
7                               the Army to go and recover things on the surface.

8

9                               **DR. DIANE HENSHEL:**

10                              Right.

11

12                              **MR. PAUL CLOUD:**

13                              And restore - and recycle them. But that  
14                              was all. We didn't do any digging, excavation or anything  
15                              else. And that was all that was done.

16

17                              **DR. DIANE HENSHEL:**

18                              All right. The fact that you considered  
19                              some clean so up you could go back to the decommissioning to  
20                              allow you to continue monitoring, not actually terminate the  
21                              license?

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. PAUL CLOUD:**

I'm - I'm not sure what you're - what you're  
implying there.

**DR. DIANE HENSHEL:**

In the decommissioning do you still have  
continued monitoring? You do not actually have a  
termination of the license. Once the license is terminated  
there is no future monitoring required other than  
potentially to make sure that these decommissioning  
proposals are in place, i.e. the fence?

**MR. PAUL CLOUD:**

That is our proposal. It is up to the NRC  
up to make that ruling based on their analysis of the Plan  
and their environmental assessment of the potential risks.  
But that is up to them to go make that decision. We believe  
based on what we know that we satisfy that criteria. But it  
is not our decision, it is theirs. If there are no further  
questions I would like to thank - Richard go ahead.

1                   **MR. RICHARD HILL:**

2                   I do have one (1) more thing. I barely mis-  
3 spoke earlier ah when I was talking about the hearing, a  
4 possible hearing for the new License Termination Plan. And  
5 I said that Save The Valley didn't have an official you know  
6 stand on that right now. And I - I - that's not right. At  
7 the board meeting the other night ah we did say that if the  
8 Army would agree to continue the monitoring that we would  
9 not serve the hearing. So I want to make that correct. I'm  
10 - I'm sorry I said that. I didn't say it quite right  
11 before.

12

13                   **MR. PAUL CLOUD:**

14                   Any other comments or questions, statements?

15

16                   **MS. KAREN MASON-SMITH:**

17                   Can you repeat that, the last part?

18

19                   **MR. RICHARD HILL:**

20                   I said at our board meeting this last week  
21 that we, that Save The Valley resolved that if the Army  
22 would continue their DU monitoring program at JPG that we

23

24

1       would not pursue a hearing through the NRC on - on that  
2       matter.

3

4               **MR. CHARLES FACEMIRE:**

5                       For how long?

6

7               **MR. RICHARD HILL:**

8                       We - that I - I would assume that that would  
9       be something that would have to be negotiated if it came to  
10      that. Because we didn't put a time limit on it.

11

12               **MS. KIM KREUZBURG:**

13                      And the Army has not responded to that I  
14      assume?

15

16               **MR. RICHARD HILL:**

17                      Oh well. Maybe we could ask Paul right now.

18

19               **MR. PAUL CLOUD:**

20                      That's - that's a very easy response.

21

22               **MR. RICHARD HILL:**

23

24

1                   The Army believes that the License  
2           Termination Plan as submitted to the NRC answers that  
3           question.  
4

5                   **MS. KIM KREUZBURG:**

6                   Okay.  
7  
8

9                   **MR. PAUL CLOUD:**

10                   The - if there are no further questions or  
11           comments ah I would like to thank everyone for coming.  
12           Again please insure that you signed in and put your name and  
13           address on the attendance sheets so that we can insure that  
14           we continue to provide you with information and provide you  
15           with the opportunities to express your questions and your  
16           comments and concerns not only to us but the State and the  
17           EPA and the NRC. Our next RAB meeting is in November, seven  
18           (7) P.M. Wednesday, November the 14th. It's at the public  
19           library in Jennings County in North Vernon. I hope to see  
20           you all there. I have no further comments. Richard do you  
21           have any closing comments?  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**MR. RICHARD HILL:**

Not other than to thank everybody for coming out tonight and commenting and asking questions. Thank you.

\* \* \* \* \*

CONCLUSION OF HEARING

**C E R T I F I C A T E**

STATE OF INDIANA            )  
                                  ) SS:  
COUNTY OF JEFFERSON        )

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on August 22, 2001 in the Venture Out Business Center, 975 Industrial Drive, Madison, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant

1 to agreement for taking at this time and place; That the  
2 testimony of the witnesses was reduced to typewriting by me  
3 and contains a complete and accurate transcript of the said  
4 testimony.

5 I further certify that pursuant to stipulation by and  
6 between the respective parties, this testimony has been  
7 transcribed and submitted to the Jefferson Proving Ground  
8 Restoration Advisory Board.

9 WITNESS my hand and notarial seal this \_\_\_\_\_ day of  
10 September, 2001.

11 \_\_\_\_\_  
12 Sharon Shields, Notary Public  
Jefferson County, State of Indiana

13 My Commission Expires: July 2, 2007  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24